Volume LXV *June 1950* *Number 2*

POLITICAL SCIENCE QUARTERLY

APPROACHES TO THE STUDY OF POLITICAL POWER

IT is difficult, perhaps impossible, to add any new idea to a discussion of political power. To be sure, there are few books so named; but almost everything written in the field of the political sciences deals in one way or another with the subject. The purpose of this essay is not to develop a new theory of political power but rather to lay bare the approaches to its study, particularly for younger students.

I. Political Power and Psychology

Political power is an elusive concept.[1] It embraces two radically different relations: control of nature, and control of man.[2] Power over nature is mere intellectual power. It consists in man's understanding of the lawfulness of external nature for the ultimate purpose of subjecting external nature to man's needs.[3] It is this accumulated knowledge which is the basis of the productivity of any given society. This power is powerless. It does not involve control of other men.

[1] "Concerning government, it is a part of knowledge, secret and retired, in both these respects in which things are deemed secret; for some things are secret because they are hard to know, and some because they are not fit to utter. We see all governments are obscure and invisible:

Totamque infusa per artus
mens agitat molem et magno se corpore miscet.

Such is the description of governments." Bacon, *The Advancement of Learning*, Everyman edition, p. 204.

[2] The relation between the two will be discussed later.

[3] This view is essential to scientific method and is classically formulated by Bacon: "Science and power are identical because ignorance of the cause puts the effect out of reach. For nature is conquered only by obeying her; and that which, in contemplation, is the equivalent of a cause is in operation the equivalent of a rule." *Works* (Boston, 1859), vol. I, p. 241.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Political power is social power focused on the state. It involves control of other men for the purpose of influencing the behavior of the state, its legislative, administrative and judicial activities. Since political power is control of other men, political power (as contrasted with power over external nature) is always a two-sided relationship.[4] Man is not simply a piece of external nature; he is an organism endowed with reason, although frequently not capable of, or prevented from, acting rationally. Consequently, those who wield political power are compelled to create emotional and rational responses in those whom they rule, inducing them to accept, implicitly or explicitly, the commands of the rulers. Failure to evoke emotional or intellectual responses in the ruled compels the ruler to resort to simple violence, ultimately to liquidation.

The two-sided character of political power already marks political science off from natural science. It makes it impossible (even if it were desirable) to measure power relationships as one measures the behavior of external nature. The variations of the power relationships are numberless. One may classify and describe them, but one cannot measure them.

Political power is not comparable to the category of energy in physics. Nor is power the sole category of political science.[5] Politics is not merely the art of getting something in a certain way regardless of the what and of the how.[6] The trend to equate politics with power politics goes back to Machiavelli and appears to have become the predominant trait of American and, perhaps, of modern political science in general. Politics is viewed as a purely technical concern. "Values" (the term is used only provisionally) are then mere personal preferences; valid if they work, invalid if they fail. History is then quite meaningless. It is an indifferent repetition of the endless struggle of "in-groups" versus "out-groups". It is thus reduced to mere chronology, a file of illustrative materials for

[4] Harold Lasswell, *Power and Personality* (New York, 1948), especially Introduction, p. 10.

[5] Thus Bertrand Russell, *Power, A New Social Analysis* (reprint, London, 1948), pp. 10-11.

[6] Harold D. Lasswell, *Politics: Who Gets What, When, How* (New York, 1936).

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

so-called hypotheses or, at best, is governed by what Machiavelli called Fortuna, the luck of the participants in the struggle.[7]

The theoretical basis of this approach to politics and political science is usually psychological, as Machiavelli has already developed it. Men are the same throughout history. They have certain stable traits, and all, or almost all, are equipped with "power drive", an uncontrollable and irrational impulse for power. From this assertion are then derived such facile half-true generalizations as the famous statement of Lord Acton: "Power tends to corrupt, absolute power corrupts absolutely."[8]

This is not to imply that the psychology of power has no place in political science. Its significance is great, but not decisive. Its contribution is twofold. First, it leads to the realization that the optimistic theories of human nature are one-sided and thus false. Man, although endowed with reason, frequently knows not—or is not permitted to know—what his true interests are. This rediscovery of ancient truths is particularly the merit of the materialistic psychology of Freud. Secondly, psychological techniques permit us to describe in concrete and convincing terms the personality structures most capable of exerting or of suffering power. But psychology cannot go beyond concretization and description. It cannot supply a theory of political power. The action of each man is as much the result of the environment as it is the manifestation of a personality

[7] The implications of this conception of history as the ebb and flow of luck, come out clearly in the following statement by Machiavelli: "Reflecting now upon the course of human affairs, I think that, as a whole, the world remains very much in the same condition, and the good in it always balances the evil; but the good and the evil change from one country to another. . . ." *The Discourses*, Book II, Introduction. Fortune is no arbitrator of history, however—*au dessus de la melée*. "God and nature have thrown all human fortunes into the midst of mankind; and they are thus attainable rather by rapine than by industry, by wicked actions rather than by good. Hence it is that men feed upon each other. . . ." *History of Florence* (Universal Classics Library Edition, Washington and London, 1901), Book 3, chap. 3, p. 129.

[8] It would be quite interesting to show the falsity of the statement: Peisistratus' rule being a case of absolute power with infinitely less corruption than that of a constitutional monarch of the eighteenth century; Augustus starting as a totally corrupt youth and becoming more enlightened with the growth of his personal power; the Papacy, quite corrupt in the sixteenth century (when its power was limited), and incorrupt after the Vatican Council which formalized absolute personal rule in theological matters.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

structure. Indeed, personality itself is historically conditioned. To the psychologist, the environment is a mere "stimulus" of the individual act.[9] To the political scientist, it is one element in the total setting of political power.

The present orientation of psychology, besides, tends to make it simply a technique of rule, of maintaining and strengthening power relationships, an instrument of manipulation of the masses by the élite.[10]

The rejection of the psychological approach involves in its positive aspect the view that politics (and thus history) is not simply a struggle of power groups for power, but an attempt to mold the world according to one's image, to impress one's view upon it. The historical process has a meaning. Provisionally, we may accept the traditional pre-positivistic formulation that politics is the struggle of ideas as well as of force.

II. *Attitudes Toward Power*

Consciously, or unconsciously, every student of politics has a specific attitude toward political power. It is this attitude which determines one's approach to all problems of political science. The valuative premises must be made clear so that objective analyses may be possible. The soul searching of the political scientist may be facilitated by a classification of the various attitudes exhibited in the history of political theory. The classification presented here is only suggested and is not meant to imply that there are no better and more convincing classifications.

1. For Plato and Aristotle, political power is more than a separate function of the organized community. It *is* the community. Political power is the total power of the community, distinguished from other relationships merely by its techniques. There is, in this view, no distinction between state and society, economics and politics, morals and politics, religion and politics,

[9] Harold Lasswell, *The Analysis of Political Power* (London, 1948), pp. 195-237.

[10] These trends are particularly marked in the writings of industrial psychologists like Elton Mayo. See Reinhard Bendix and Lloyd Fisher, "The Perspective of Elton Mayo", in *The Review of Economics and Statistics*, vol. XXXI, No. 4, November 1949, p. 312.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

culture and politics. Man and citizen are equated. Every activity of the community and of its citizens is political. Only through political action can the citizen attain his fulfillment; only through politics does he become man.

2. To this, there is radically opposed what I shall call the Augustinian position. Politics is evil; political power is coercion, evil in origin and purpose. It is "unnatural" that man rule over man. Only at the end of history with the advent of the Kingdom of God can and will coercion be dispensed with. From this philosophy derive two radically different, and yet inherently related, attitudes: that of total conformism and that of total opposition to political power. If politics is evil, withdrawal is mandatory. Forms of government and objectives of political power become irrelevant. Salvation can be attained through faith, and the earthly life should be a mere preparation for it. Monasticism is the first consequence. By the same token, however, the demand for the immediate destruction of politics and the establishment of a Kingdom of God may equally be supported by the Augustinian premise. The Anabaptist movement was perhaps the most striking manifestation of the total rejection of society.

3. The radicalism of St. Augustine is, of course, "impractical". St. Thomas introduces what may be called a commonsense attitude toward political power. Power is not unnatural since hierarchic relationships already existed among the angels. Yet the attitude toward political power is not unambiguously positive. It is not only hedged in by many restraints but also, in some rather unclear way, subordinated to spiritual power operating indirectly through various levels of law.

4. It is this climate which prepared the way for the liberal attitude. Its sole concern is the erection of fences around political power which is, allegedly, distrusted. Its aim is the dissolution of power into legal relationships, the elimination of the element of personal rule, and the substitution of the rule of law in which all relationships are to become purposive-rational, that is, predictable and calculable. In reality, of course, this is in large measure an ideology tending (often unintentionally) to prevent the search for the locus of political power and to render

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

more secure its actual holders. Power cannot be dissolved in law.[11]

5. Not to be confused with liberalism is the Epicurean attitude toward politics. In contrast to the Platonic-Aristotelian conception, politics is a separate business of society, clearly distinguished and distinguishable from all other activities. But it is a complete matter of indifference how it is organized, who exerts it, for what purposes it is used. Any power is justified which maintains that minimum external order of society which permits the individual to go on with his life.

6. In its psychological consequences, Epicureanism is sometimes closely related to the anarchistic approach. To the anarchist, political power is evil, society good; hence it is possible to organize a society without politics. As in Augustinism, conformism or putschism may follow. Conformism: one should not dirty one's hands by participation in politics; putschism: one can establish an associative society at any time that man wills it.

7. Marxism shares with anarchism and Augustinism the belief that political power is not a natural but an historical phenomenon. In contrast to anarchism, and with Augustinism, however, it believes it to be a necessary historical phenomenon, but the necessity is limited (in contrast to Augustinism) to one historical phase through which mankind must pass before the classless society (a society without politics) can be established. The remedy against political power (again against the anarchists) is more and highly concentrated political power, skillfully used to smash political power (dictatorship of the proletariat). The Marxist thus has a positive approach to political power up to the establishment of a classless society.

8. Marx shares this positive approach with Rousseau. For the latter, political power is at once comprehensive and nonexistent. It is all-encompassing because the organized community (as in Plato and Aristotle) embraces all activities of

[11] "Although the laws be never more than mere declarations of anterior rights, nevertheless it is of utmost importance that all is written which can be written: indeed, in every constitution there is always something which cannot be written down, and which must be left in a dark and venerable cloud under pain of overthrowing the state." Joseph de Maistre, *Considérations sur la France*, ch. vi.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

man, economics, culture, religion; nonexistent because of the alleged identity of rulers and ruled in the general will. It is precisely this dual attitude toward political power which makes Robespierre's theory and actions understandable.

9. The liberal democrat shares with the total democrat a positive attitude toward political power which appears essentially as a rational instrument to be used for desired and desirable ends. Yet the fear of the liberal prevents him from accepting the total politicizing of life and causes him to insist on the separate character of political power. But the consistent liberal democrat is not, and cannot be, solely concerned with the erection of fences around political power. He is increasingly concerned with the potentialities of a rational use of political power.

This (or any other) typology of the attitudes toward political power enables us to discover contradictory statements often of a hypocritical or demagogic nature and to arrive at a consistent approach to the study of the power phenomenon. If a scholar or politician demands, in the same breath, the exclusion of dissenters from political participation and the inviolability of private property from governmental intrusion, we have before us a mixture of two attitudes: that of Plato-Rousseau, and that of liberalism.

The result is not a "new" attitude toward power but a propagandistic statement. Our typology of attitudes readily reveals that it contains contradictory positions. It is the duty of the critical student to remove such inconsistencies from his own thinking, to expose them when they appear in the statements of others, and to become aware of the premises of his own position.

III. The Significance of Political Power

Once this self-examination is completed, the significance of political power should be squarely faced. No society in recorded history has ever been able to dispense with political power. This is as true of liberalism as of absolutism, as true of laissez faire as of an interventionist state. No greater disservice has been rendered to political science than the statement that the liberal state was a "weak" state. It was precisely as

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

strong as it needed to be in the circumstances. It acquired substantial colonial empires, waged wars, held down internal disorders, and stabilized itself over long periods of time.

But the methods applied by those who wield power and the scope of its application vary, of course. And it is precisely this problem that is of major significance for the political scientist. Formally, the methods range from the marginal case of killing to the marginal case of education.[12] Three basic methods are at the disposal of the power group: persuasion, material benefits, violence. Violence is probably most effective as a short-range method, but little effective as the principal method of maintaining power over long periods since it compells the group (particularly under modern conditions) to intensify the methods of violence and to extend it to larger sections of the ruled. The most efficient (that is, cheapest form) is, of course, persuasion. Yet all three, persuasion, benefits, violence, are always present in all forms of government.[13] And it is precisely the mixture of the three elements which constitutes another major problem for the political scientist. I shall attempt to clarify the meaning by the formulation of some sociological generalizations.

Sociological Generalization 1

The significance of persuasion grows with the growing complexity of society. It is, perhaps, legitimate to consider persuasion, as a rule, to be merely a form of violence, "violence committed against the soul" as the French historian of Catholic England under Henry VIII formulated it.[14] Through persuasion, the rulers achieve a marked degree of habituation of the ruled so that their reactions assume an almost automatic character. The success of persuasion will, however,

[12] This is not to imply that education is to be considered solely as an instrument of maintaining power; but it must also be considered as a technique in the struggle for power.

[13] *Cf.* Max Weber, "Politics as a Vocation", *Essays in Sociology*, edited by H. H. Gerth and C. Wright Mills (New York, 1946), pp. 80-81. Specifically, one may note that the ruling group, even when relying mainly on physical violence, may owe its own cohesion to material benefits and persuasion.

[14] Pierre Janelle, *L'Angleterre catholique à la veille du schisme* (Paris, 1935), p. 185.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

depend upon the scope and duration of the propaganda and the skills by which stereotypes are produced. There is little doubt that persuasion is a more efficient and cheaper exercise of political power than the employment of large police forces, armies and militias.

Sociological Generalization 2

The increasing complexity of society requires that the rulers increasingly utilize arcana, secret techniques of rule. The struggle for power is a real struggle aiming at the control of the state machine. In any struggle, however, tactical decisions can be effectively made only in secret. Secrecy, in turn, can be preserved only by small numbers. It is this very fact that necessitates the rise of oligarchies within mass movements. Max Weber [15] and Robert Michels [16] (and probably many others) have drawn attention to this phenomenon, and Max Weber, besides, correctly stressed the superiority of small over large numbers because of the significance of secrecy for any rule designed to be more than temporary.[17] It is precisely for this reason that the rule of the few becomes particularly marked in those mass organizations which, more than other movements, are essentially devoted to democracy: the trade unions and the social democratic (labor) parties. The reason is obvious. The opponents of these movements are usually numerically few, but individually powerful, subjects who are thus able to keep their strategic and tactical decisions secret. The mass organization, faced with such opposition, must, in turn, resort to the construction of forms of rule which also permit secrecy. Aristocratic rule thus becomes a sociologically necessary implementation of democratic movements.[18] It is, therefore, no accident that the growth of oligarchies within mass movements was first studied in the example of the German Social Democratic party.

Lenin made a virtue of this necessity. His vanguard theory

[15] *Loc. cit.*, pp. 102-103.

[16] *Political Parties* (Glencoe, Ill., 1949).

[17] *Wirtschaft und Gesellschaft*, Dritter Teil, "Typen der Herrschaft", Kapitel 1, § 3.

[18] That it may become, not its implementation, but its negation should be kept in mind.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

of leadership frankly replaces the traditional democratic conception of social democracy by an aristocratic one.

Sociological Generalization 3

The higher the state of technological development, the greater the concentration of political power. The legal conception of ownership is quite irrelevant for an analysis of this phenomenon. It matters not who owns a technical unit: an individual, a corporation, a state, any other organized society. The social organization of large technical units may, of course, be a coöperative one. In every social group which is based on struggle, however, the organization will, of necessity, be hierarchic. The larger the size, the more hierarchic it becomes. Growing hierarchic trends lead to concentration of power at the top. The relation between social and political power will be analyzed at a later place.

Sociological Generalization 4

With the growing complexity of society and its increasing industrialization, the significance of political power in the social process grows. Concentration of power (in the economy, in society, in culture) makes for more rigidity. A process of social petrifaction sets in and prevents the system from achieving a semiautomatic balance. The equilibrium, once disturbed, can be restored only through active intervention of the political power. Control of the state then becomes more precious than ever before.[19]

Sociological Generalization 5

The same trend also produces a greater separation of political power from social power—a phenomenon that shall concern us later.

Some or all of these generalizations are subject to challenge. They are not meant to be exhaustive, but merely point the direction to a proper study of political power. That they produce uneasiness is to be expected. At first sight it seems difficult to reconcile them with the theory of democracy. If by democracy is understood that mixture of diverse elements, of

[19] For a more detailed analysis of this phenomenon see my *Behemoth: The Structure and Practice of National Socialism* (New York, 1942), pp. 255-361.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Locke and Rousseau, St. Augustine and St. Thomas, which is usually called "democratic theory", a reconciliation of those realistic trends with the doctrine is, indeed, impossible. We are not now concerned with the problem of democratic theory. For the present it suffices to say that an adequate democratic theory will have to deal with these problems.

IV. Roots of Political Power

Three questions have to be faced in the analysis of the roots of political power: the conceptual framework has to be established; the institutional setting to be clarified; and the historical process to be understood which leads to a change in institutions and different attitudes toward power and to a different political behavior. For the ancient historians, this was no problem. Political power derived squarely from economic power, particularly from the control of land. Changes in ownership, the emergence of new modes of production, and so on, created new sources of political power and thus made for conflicts. Modern historians dealing with this period of history have not hesitated to restate the problem in the same way as the ancients stated it.[20]

As we shall directly show, modern capitalist economy has rendered this whole subject problematical. And, despite the fact that the issue is so crucial, analysis has been hindered by senseless taboos. The older insights have been lost or hidden and are rarely brought fully into the open. Thus, the classical approach has been restated in modern times by Marx's interpretation of history (that this did not originate with him—and is not "Marxist"—he himself admitted). Yet since it is fashionable to reject Marxism root and branch—sight unseen so to speak—the student precludes himself from a clear understanding of the relationship between economic power and political power.

The approach is facilitated by the establishment of certain categories of relationships.

1. The ancient conception. Here—and this follows already from what has been said—although the source of political power

[20] Models are: Gustave Glotz, *The Greek City* (New York, 1929) and *Ancient Greece at Work* (New York, 1926); Ronald Syme, *The Roman Revolution* (Oxford, 1939); and, of course, Rostovzeff's works.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

is economic power, political power permeates all social activities and all spheres of life. The economic power position merely provides the motor of political power which then includes all power relationships.

2. The feudal conception. In the ideal-typical form, political power does not exist. It is merely a function of an economic power position: the ownership of land. From it flow judicial, military, religious, legislative and administrative powers.

3. The capitalist conception. It is only in this period that a real problem arises: the independence of political power and yet its interconnection with economic power. Political power (the theoretical construction has been perfected by Hobbes) is a separate activity, carried out in a separate institution: the state. The state has the monopoly of coercive power which it exercises in a separate institutional framework. At the same time, however, this separate institution is intrinsically connected with society in the service of which it operates. It is this conception of political power that unites Locke and Hobbes, and distinguishes both from Rousseau. Both separate political power from social power; both connect them. Hobbes believes it necessary to maximize political power in order to serve society; Locke maintains that only by its minimization can society be served. Both, however, admit of exceptions. In Hobbes's theory, political power will be destroyed if it fails to serve its social function (the social contract lapses); Locke, through the institution of the prerogative and federative power, maximizes political power if it is necessary for the good of the commonwealth. What Hobbes and Locke did not clearly state is that the two are not only functionally but genetically connected; that is, economic power is the root of political power. The first systematic analysis of this relationship stems from St. Simon's analysis of the French Revolution and then spreads rapidly into French and English historiography and sociology.

From this general view of Hobbes and Locke it follows that whatever freedom society, and particularly economic activity, is to have, it has for the sake of maintaining a stable political order. There is thus no "pure" economic power and no "pure" political activity. Economics is as much an instrument

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

of politics as politics is a tool of economics. The mythological conception of the laissez-faire state ought finally to be destroyed.

If this general view is accepted, the translation of economic power into social power and thence into political power becomes the crucial concern of the political scientist.

The Political Party

The single most important instrument for the translation of social power into political power is the political party. The reason for the supreme position of the party lies in the very nature of democracy. The party permits the presentation of particular and, quite frequently, very egoistic interests as national interests. At the same time, however, it prevents the total domination of national interests by particular interests. The function of the political party in democracy is thus ambiguous. The democratic process compels each social group to strive for mass support. Each group, therefore, must present its egoistic interests as universal. Politics in a democracy, the struggle for political power, thus becomes far more ideological than in any previous period in history. What was obvious for the ancients, and clear to the feudal system, becomes hidden in the democratic process. But the valuable side of this process must equally not be forgotten. The very need to appeal to social groups larger than the immediate interest group compels adjustment of various interests. Politics becomes more democratic.[21]

Private Property

Social power, in turn, either is derived from private property or is against it. The legal meaning of private property comprises two radically different conceptions: power over an external piece of nature (or an absolute right) and power over other men derived from power over nature.[22] It is only the second meaning of private property with which the political scientist is concerned: with proprietorship in the means of pro-

[21] It is this fact that Marxists usually overlook.

[22] The most significant analysis: Karl Renner, *The Institutions of Private Law and Their Social Functions*, first published in Germany, 1911, ed. by O. Kahn-Freund (London, 1949).

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

duction. This type of property gives power—power in the labor market, in the commodity market, and in the political market of the state.

The three power functions of property are usually (and particularly in Europe where political and social life is more petrified than in the United States) institutionalized in three types of organization: for the labor market, the employer's association; for the commodity market, the cartel; for the political market, the territorial form of the chambers of commerce and the functional form of the trade associations.

As against property, the trade unions (in Europe) attempt to organize the labor markets and the political markets by the collective power of organized labor, sometimes in one organization, sometimes in several. Consumers' and producers' cooperatives, however, affect only slightly the power of property in the commodity market.

Studies of these organizations and the devices by which their power is translated into political power are vital to the political scientist.[23] Large numbers of individual studies of pressure groups exist, but a really sophisticated, comparative analysis is still lacking. The translation of these economic power positions differs from country to country and from historical situation to historical situation. The relative strength of the competing economic groups is far more important for the analysis of political power than the study of the political institutions proper. There are countries (like Germany and England) where the agents and managers of the economic organizations enter parliaments directly; there are others (like the United States) where the influence is more indirect. There are countries (like Germany and England) where trade unions are political as well as industrial bodies; there are others (like France and the United States in certain situations) where they apparently abstain from politics.

The devices and forms for the translation of economic power into political power thus vary considerably and yet patterns are discernible which ought to be more sharply defined on a

[23] R. A. Brady, *Business as a System of Power* (New York, 1943), is a first attempt, but a rather crude and mechanistic one. TNEC Monograph No. 26, *Economic Power and Political Pressures*, should be mentioned here.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

comparative basis. A high degree of knowledge of problems of social stratification and economic organization is thus indispensable for the political scientist.

The Ascendance of Politics and of Bureaucracies

The classical relationship between economics and politics changes. It now appears as if political power has begun to emancipate itself from its economic roots and, indeed, tends to become a base for the acquisition of economic power. In general, bureaucratization is believed to be the manifestation of that trend which culminates in doctrines of managerial rule: private and public managers eliminating property owners and parliaments. The trend toward bureaucratization has unquestionably two roots: the transformation of parliamentary democracy into mass democracy; and the transition of a predominantly competitive economy into a predominantly organized economy. While these trends are known and progress under our very eyes, they do not necessarily involve an assumption of political power by bureaucracies. The growth of the scope and number of bureaucratic structures may merely indicate that the social groups which rule now need more and more bureaucracies in order to cope with the exercise of political power. But the equation of a larger number of bureaucrats with increase of their power is due to the inability (or unwillingness) to distinguish sharply three different problems involved in what is called " bureaucratization "; namely, bureaucratic behavior, bureaucratic structure, and bureaucratic power.

Bureaucratic behavior (roughly equated here with routine performance as against initiative or creative performance) is, of course, spreading. No sphere of activity is exempted from it. Whether it is beneficial or not shall not be discussed here. We should merely remember the tremendous extent to which our comforts depend on routine performances. Moreover, it is untrue that the decisions of the bureaucrats (public or private) are exclusively routine decisions. Many, indeed, are creative ones, not derived from precedent or standing rules, but highly discretionary and thus essentially lawmaking in character. Finally, bureaucratic organization, that is, hierarchies where commands are channeled from above to below and re-

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

sponsibility goes from below to above, is not confined to public life. The facts are obvious.

Though the growth of bureaucratic behavior, with the increase in the number of bureaucratic structures, is a continuous process, it does not thereby follow that power (private or public) has shifted to the bureaucracies. No abstract answer can be given; only empirical investigations can reveal whether shifts in power have taken place. Such investigations are, unfortunately, rare.

The Soviet Union presents a clear-cut marginal case where political power not only has made itself supreme but has become the fount of whatever economic power positions exist. Nazi Germany, on the other hand, exhibited a transitional case. It is undisputed that the Nazi party rose to power with the financial and political assistance of German big-business leaders who doubtless hoped to use the party for the promotion of their own interests. But the party, once having achieved power, emancipated itself from business control, and its political power became autonomous. The party then went further and attempted to create economic power positions for itself. Clearly the new political power was seeking to give itself an economic power base. This, indeed, is the significance of the Goering combine, the expanding enterprises of the Labor Front and the S.S., and the acquisitions resulting from Aryanization and Germanization. The war, which made it inadvisable to carry out sweeping institutional changes, interrupted the process. But it is quite safe to assume that, had there been no war or had the Nazis been victorious, the Soviet pattern would have prevailed.

The reactions to the ascendant rôle of political power are, as a rule, hostile. Most notable is the attempt to ascribe this phenomenon to democracy. This is, of course, essentially correct. For, as we have indicated, the attitude of democracy toward political power is undoubtedly positive. Yet more is meant by that statement which by no means is a mere scientific one but has definite political undertones and overtones. It is implied that the growing political power will, by its inner dynamics, be abused and will ultimately lead to a totalitarian system. In this, modern criticism resumes the traditionalist

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

critique not of political power but of democracy. Maistre and Bonald are resurrected. Proceeding from the shaky psychology of the essential evilness of man, they assert the inevitable transformation of democracy into mob rule, which, in conjunction with the modern trend of state interventionism, must culminate in totalitarianism. The remedy is some kind of aristocratic rule. A second reaction believes bureaucracy to be inimical to liberty and attempts to protect democracy by identifying it with individual liberty against the state.

Both reactions base themselves on what they call the tradition of Western civilization, the kernel of which is allegedly hostility to political power as expressed in constitutionalism. This is only a partial truth and, therefore, false. The tradition of Western civilization is more complex. Its richness was hinted at when we attempted to classify the various attitudes toward political power. Certainly, one may say that Rousseauism is a more important element in the political tradition of democracy than the essentially self-contradictory and arbitrary doctrines of Locke and of the natural law. That political power (whether democratic, aristocratic, or monarchic) can be abused is beyond doubt; but it is doubtful that abuses can be effectively checked by constitutionalism.[24] The problem of modern democracy is much less the fencing of political power than its rational utilization and provision for effective mass participation in its exercise.

V. *Identification of Political Power*

In the Soviet Union, there is little doubt where political power resides. In Nazi Germany, after June 1934, it was equally clear that the monopolistic party concentrated all political power. In a liberal democracy (and in constitutional systems generally) the identification of political power is extremely difficult. Our contention that political power has its roots in economic power can merely provide a frame within which the analyses have to be made; for we deliberately stated: " Social power . . . is derived from private property or is against it." Since the distribution of the " for " and " against " varies,

[24] Edward S. Corwin, *Liberty against Government* (Baton Rouge, 1948).

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

the empirical sociological analyses of this interrelationship are the crucial concern of the political scientist.

Constitutional law helps but little. The form of government may or may not truly express the distribution of power. The doctrine of separate powers may or may not express the fact that social forces are as balanced as are the political institutions. As a rule, they are not.[25] Constitutional law merely supplies the frame for the exercise of political power but does not indicate its holder or its functions. All traditional legal conceptions are negative ones. They limit activities but do not shape them. It is this very character of law which grants to the citizen a minimum of protection. This applies specifically to the conception of external sovereignty, a term which we have so far avoided. It does not indicate the owner of sovereign power nor the use to which this power may or can be put; it merely delimits the power of one territorial unit from any other. The conception of property is fashioned in exactly the same way. It does not reveal the object of property nor its social function; it merely protects man's control of an external piece of nature. Constitutional law, secondly, indicates the form in which political power may be legitimately exercised. While the significance of both aspects of constitutional law may not be underestimated, empirical sociological studies of the locus of political power are indispensable.

There are, however, situations which may reveal in a flash, so to speak, where political power resides. There are emergency situations such as stages of siege, martial law, and so on. It is for this reason that Carl Schmitt, the famous Nazi constitutional lawyer, stated in his pre-Nazi period: "Sovereign is he who decides the emergency situation."[26] While not accepting the implications of Schmitt's doctrine of sovereignty, it is clear that the study of such emergency situations will yield valuable hints as to where political power actually resides in "normal" periods. Such a marginal situation existed in Nazi Germany on June 30, 1934. Up to that date, it could be very doubtful whether political power rested with the party alone, or with a

[25] See my Introduction to Montesquieu, *The Spirit of the Laws* (New York, 1949).

[26] Carl Schmitt, *Politische Theologie* (Leipzig, 1934), p. 11.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

combination of party, army, business, and so on. The liquidation of the Röhm group, of the generals, and of others made it, however, abundantly clear that the party had succeeded in monopolizing political power.

Such studies have been neglected. They are carried out mostly in terms of constitutional law, but rarely in political-sociological categories.

VI. Political Power and Freedom

I stressed initially that political power is neither comparable to the concept of energy in physics nor the sole conception of political science. Yet the original formulation, power vs. idea, is too ideological. If history were a conflict between power groups and ideas, ideas would be invariably defeated. Politics is certainly the conflict between power groups, and the conflicts may be resolved by victory and defeat or by conciliation, that is, compromise. But one group may, in its struggle for power, represent more than a particular interest; it may indeed represent the idea of freedom, the idea crucial to political theory. If, for example, you analyze immigration legislation and come to the conclusion that business groups pressured for its liberalization in order to secure cheaper labor power, you have indeed done part of your task as political scientists, but only part of it. Of equal importance is the analysis of the rôle of immigration legislation in the historical development of the United States. The task of political theory is thus the determination of the degree to which a power group transcends its particular interest and advocates (in Hegelian terms) universal interests.

This determination is by no means easy. In fact, the distinction between ideology and truth becomes increasingly difficult. Some of the difficulty lies in the ideological character of politics in a democracy (discussed above), but, in the last resort, it results from the tremendous weight of power on what is called public opinion. Every political system impresses the mores of the ruling group upon the population. The greater the tensions, the more stringent the impositions become. The individual then resorts to many forms of dissimulation; and, in certain periods of history, it is the liar who becomes the hero.[27]

[27] This is very striking in Stendhal's novels.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

The lie (in its many forms) becomes the protection of the individual against a universalized system of propaganda. It is for this reason that I am skeptical of the value of the various highly developed techniques of measuring attitudes, particularly attitudes which may challenge the basic foundation of a contemporary society. George Orwell, in his otherwise brilliant performance, *1948*, overlooks the fact that compulsion operates wherever political power exists.

This realization was strikingly formulated by one of America's most interesting philosophers, Charles S. Peirce, in his article, " The Fixation of Belief ".

> The method of authority will always govern the mass of mankind; and those who wield the various forms of organized force in the state will never be convinced that dangerous reasoning ought not to be suppressed in some way. If liberty of speech is to be untrammelled from the grosser forms of constraint, then uniformity of opinion will be secured by a moral terrorism to which the respectability of society will give its thorough approval. Following the method of authority is the path of peace. Certain non-conformities are permitted; certain others (considered unsafe) are forbidden. These are different in different countries and in different ages; but, wherever you are, let it be known that you seriously hold a tabooed belief, and you may be perfectly sure of being treated with a cruelty less brutal but more refined than hunting you like a wolf. Thus, the greatest intellectual benefactors of mankind have never dared, and dare not now, to utter the whole of their thoughts; and thus a shade of *prima facie* doubt is cast upon every proposition which is considered essential to the security of society. Singularly enough, the persecution does not all come from without; but a man torments himself and is oftentimes most distressed at finding himself believing propositions which he has been brought up to regard with aversion. The peaceful and sympathetic man will, therefore, find it hard to resist the temptation to submit his opinions to authority.[28]

FRANZ L. NEUMANN

COLUMBIA UNIVERSITY

[28] Charles Sanders Peirce, " The Fixation of Belief ", in *The Philosophy of Peirce*, edited by Justus Buchler (New York, 1940), p. 20. The article was first published in the *Popular Science Monthly*, 1877.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

CONTRACT VERSUS STATUS *

TRADE unionism represents a structural change in our industrial society, which tends to be world-wide in character. While there are important variations in different areas, the similarities are everywhere apparent. A new pattern of industrial relations has come into being, just as recognizable as the corporation, the trust or the cartel. With these changes there has developed the concept of collective bargaining as a means of adjusting the day-to-day issues between labor and management. The question raised over and over again is whether collective bargaining is compatible with the protection of the consumer, the maintenance of "full employment", the increase of production, the continuance of technological improvements, the narrowing of the swing between deflationary and inflationary tendencies, the defending of "job security", and the protection of the individual against the loss of those "freedoms" so essential to a democratic way of life. For, all of these issues, basic to our times, have become involved in the attempt of the individual worker to achieve "economic security".

This is inevitably so, because, as the Webbs pointed out long ago, "Collective bargaining . . . implies in its fullest development compulsory Trade Unionism." [1] The vehicle for compulsory trade unionism is union security, and, in 1945, "approximately 77 per cent of all wage earners covered by collective agreements were covered by agreements containing union-security provisions." [2] Union security is insisted upon because without it "a union cannot exist and cannot maintain itself as an effective collective bargaining force on behalf of the

* This essay is a development of some of the ideas contained in "The Social Function of Trade Unionism", which appeared in the June 1947 issue of the QUARTERLY.

[1] Sidney and Beatrice Webb, *Industrial Democracy* (London, 1920), p. 533.

[2] *Hearings before the Joint Committee on Labor-Management Relations*, 80th Congress, Second Session, on the Operation of the Labor-Management Relations Act, 1947, Part 1, May and June 1948, p. 51. Statement of Paul M. Herzog, Chairman of the N.L.R.B.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

workers." [3] When given the choice, the workers accept union security by an overwhelming majority. Out of ten thousand elections for the union shop, which is the original form of union security, " 98 per cent . . . were won by the unions." [4] Effective collective bargaining implies that membership in a trade union becomes a prerequisite to securing a job. The force of this statement is little changed by the various kinds of union security written into the agreement—closed shop, maintenance of membership, or the union hiring hall. The fact is that " Job control is passing from the employer to the union." [5]

As long as the union can limit the number of workers it will admit, and insist upon membership as a condition to receiving or keeping a job, it can control the workers within the industry. The courts have under the common law upheld the right of the unions to exclude new members on the grounds that they were voluntary associations.[6] But they are voluntary associations with compulsive powers over both the employer and the worker. They are, in fact, private lawmaking bodies whose rules affect the lives of millions of human beings and thousands of industrial plants. This is evidenced by the more than 50,000 collective labor agreements existing in the country. The unions that sign these contracts acquire an influence over the activities of their members, which in time circumscribes their daily lives, and redefine the privileges of men who, under the law, are equal to each other. A new and unsuspected issue has thus come into being—the power of the union to regulate the place of the worker within his own organization, and within the industry in which he makes his living. Without intent or plan, the trade-

[3] *Hearings before the Committee on Labor and Public Welfare,* U. S. Senate, 80th Congress, First Session, on S. 55 and S. J. Res. 22, Part 3, February and March 1947, p. 1224. Statement submitted by the International Longshoremen's and Warehousemen's Union.

[4] *Hearings before the Joint Committee on Labor-Management Relations,* p. 7. Statement of Hon. Gerald W. Landis, Representative in Congress from the state of Indiana.

[5] T. R. Witmer, " Civil Liberty and the Trade Union ", *Yale Law Review,* vol. 50, p. 624.

[6] R. A. Newman, " The Closed Union and the Right to Work ", *Columbia Law Review,* vol. 43, p. 45.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

union movement is integrating the workers into what in effect amounts to a series of separate social orders. It is re-creating a society based upon status, and destroying the one we have known in our time—a society based upon contract.[7]

If membership in a union is essential for an opportunity to work, and if every union has its own rules of admission, apprenticeship, dues, initiation fees, promotion, wages, retirement funds and social benefits, then every union becomes in effect a differentiated order within the community, endowing its own members with rights and immunities shared only among themselves; and a member finds it increasingly difficult to leave his union because the penalties for desertion are severe. These penalties include the loss of a job, the impossibility of securing other employment in the same industry, the loss of seniority and of the right of promotion, and the surrender of accumulated retirement, sickness and old-age benefits. A new body of rights and disciplines which greatly change the substance of a free society has come into being. In the spread of industry-wide collective bargaining by a single bargaining agency, with dues, that is, a tax upon the worker, collected without his consent through the checkoff, with enforceable union-security provisions so that the worker must in fact end by being a member of the union, we have the making of a new social design where status rather than contract is the governing rule.

The fact that in theory, anyway, this status is voluntarily assumed makes little difference in practice, for the penalties for not accepting the "voluntary" status become unavoidable. This institution is now to be found in a vast number of industries, occupations and professions—from barbers to steelworkers,

7 "'Our forefathers,' said the Emperor Sigismund in 1434, 'have not been fools. The crafts have been devised for this purpose that everybody by them should earn his daily bread, and nobody shall interfere with the craft of another. By this the world gets rid of its misery, and everyone may find his livelihood.' 'The first rule of justice,' said the Parliament of Paris three hundred and fifty years later, 'is to preserve to every one what belongs to him: this rule consists not only in preserving the rights of property, but still more in preserving those belonging to the person which arise from the prerogative of birth and of position.' 'To give to all subjects indiscriminately,' argued on that occasion the eminent Advocate-General Séguier, 'the right to hold a store or to open a shop is to violate the property of those who form the incorporated crafts.'" Webbs, *op. cit.*, pp. 565-66.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

from musicians to airplane pilots, from chorus girls to sailors. Skilled and unskilled workers, professional and learned occupations, small and large plants, highly mechanized and semi-mechanized industries, are being incorporated into and made part of this pattern. Nor is there any prospect of an immediate end to the process; and, if the history of the trade-union movement proves anything at all, it is that restrictive legislation, or other opposition, which proved ineffectual when the movement was new, will not bring the process to a halt now.

It is noteworthy that the growth of these stratifications has been justified and defended in the name of freedom, equality and justice. The freedom, equality and justice here spoken of have a functional rather than a political or civil context. One of the long-run and unforeseen by-products of the individual worker's attempt to achieve "economic security" is the gradual remolding of industrial society on the older order of "estates". The Industrial Revolution changed a social system within which each man had a place in a "society", and within which he could fill his rôle as a human being. It gradually tore that "society" apart, and robbed man of his natural responsibilities and duties. But membership within a social group, so necessary to man, reappeared in a new form when the workers were congregated into industries. Here a common setting made the strangers of yesterday the companions of today. All that has followed in the structure and impact of the trade-union movement was a necessary sequence to the organic relationship the factory imposed. The industrialism that destroyed a society of status is now re-creating that society. The last hundred and fifty years are a strange interlude in the history of man in the Western World, a period in which man was "freed" from one type of an age-old association and after a lapse gradually re-identified with another one. If there is anything to this view of the matter, the system of "estates" now being developed is a necessary and logical outcome of the Industrial Revolution.

The process is obscured because, like every "society", the trade union serves many ends. Its conscious purpose can be given formal embodiment in a constitution and rules, but there are also the unforeseeable by-products that arise out of associated activity. Like life itself, a trade union is creative in character,

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

and largely unpredictable in outcome. The rules a union makes for its own government are, like municipal law, equally applicable to all the associates, and essential to survival for the group as such. But the written rules are only the formal part of the governing law; there is also the unwritten law, the mores of the group, and the constitution becomes something to be applied within the special milieu created by common experience. This unwritten law is vaguely definable by the sense of what seems right and proper to the group as a whole. A body of loyalties, values, rights, duties, privileges and immunities, tolerances and expectancies, as between members and non-members, makes itself felt, and conditions the enforcement of the written rules embodied in the constitution. Every union develops its slogans and symbols, its special sense of separateness and identity. It is this body of vague but effective tradition that defines the character of the union and assures its existence. If the union merely lived by the constitution and its by-laws, it would have little vitality, and its life would be both troubled and short. It is the organic cohesiveness of the union that has given it its rôle in the modern world.

But we have something else: the rules that govern the relationship between the union and the industry. Whether there is a collective agreement or not, there is an undefined body of "law" that describes the relationship between the workers and the management. That is true even if there is no formal organization, for the group exists before the union is organized, and its mere existence implies a body of half-conscious, half-assumed "rights" and obligations. An unwritten law pervades the relationships between labor and management long before the union comes into being. The only alternative would be chaos and dissolution. The emergence of the union merely formalizes the existing group.

When the trade union and the management sign a collective agreement, they set up a means for implementing and developing what has been called "industrial jurisprudence". But this "jurisprudence", as we have just seen, was there from the time when the workers first cohered into a group under the common discipline of the factory. The collective agreement, therefore, is the embodiment of the already existing rules and privileges.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

The collective agreement is not primarily an instrument of industrial peace. It is rather a means for bringing under an accepted "common law" procedure the issues over which friction arises. The objective is a system of rules that make possible the continuance of peaceful friction over the differences that arise a thousand times a day in any concern. The end is to make strikes unnecessary by confining the friction within a body of "common law" to which both sides subscribe.

The collective agreement, therefore, becomes the instrumentality for adapting the accepted rules to changing needs. But all of the expanding "rules" add up to a reduction of the area governed by contract, and the expansion of the area where men's lives are ruled by status. The rules are always multiplying and becoming more inclusive because each collective agreement builds upon the last. What seemed new yesterday becomes a matter of course today, and the new rule merely advances the position that the trade union occupied up to now. The "industrial jurisprudence" that has come to rule the relationship between the workers and their employers is expanding, and must expand, as more and more people are forced to be dependent upon a wage for all of their living and for all of their security.

Therein lies the root of both the society of "status" that the trade union is forging, and the planned society that the welfare state would forge if the centrifugal forces embodied in trade unionism do not make that both unnecessary and impossible for the state. The growing dependence upon a money wage has made men increasingly dependent upon some outside agency in periods of helplessness and crisis. As long as men had the greater part of their living in real income produced by themselves, the uncertainties of the money wage could be tolerated. The minimum requirements of food, shelter, care in times of sickness and old age, in infancy and childhood, in the emergency of death and misfortune, could be, and were, provided for. The procurement of a real income was, and of necessity had to be, either a family or a community effort. Either the community or the family acted as the natural "social security" agency for the fatherless, the aged and the weak. The greater the dependence upon a real income, the larger the rôle of the family and

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

the " community ". The heavier the dependence on a money wage, the fuller the individualization, equality and freedom of each member of the family and each member of the group.

When the time arrived in our urbanized industrial society that a money wage came to represent the sole income for the mass of individuals, it carried with it not only complete independence and freedom, but also complete helplessness against the vicissitudes and needs that each individual faces some time in his life. The freedom and individualism, made possible by the full substitution of a money income for all other income, inevitably destroyed the extended family as well as the parochial community, and the free individual—the free, but helpless, individual—fell back upon either the trade union or the state. The needs of childhood, widowhood, old age and invalidity could not now be met either by the family or by the parish. They had, in fact, both ceased to function as effective " social security " institutions. Something else was required, and the only available means of satisfying the demands made by human helplessness fell by default to the union and to its chief competitor, the state.

Public and private charities failed because they were the means for meeting the partial needs of a people largely cared for by an economy where real income was the basis of the daily life of the people. Under those conditions, " insecurity " was only partial, and mainly affected those who for some reason had lost the precious resource of membership in an extended family, or in a parish. The mass of the people did not " fall " upon charity. The children and the aged were looked after at home, or in the parish, because there was a home, and a parish. The money wage as the only source of life destroyed both, and the insecurity suddenly became universalized because the money wage is precarious and unstable, and also because the children, the helpless widows, the sick and the old, not to speak of the unemployed, cannot and do not earn a money wage. All men and women begin as infants, and an increasing proportion are now ending their lives aged and helpless, beyond the competence to earn a money wage.

The welfare state is the present response to this pressing situation. This new policy has come into focus because in-

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

dividual insecurity has been generalized in an ever-expanding circle. But the trade union became aware of this need long ago because it was concerned with people whose life depended upon a money wage for all of their income long before the state became conscious of the gravity of the situation.

The assumption of the economist that a competitive society, where each person haggled his competencies in the market, was a good and wholesome thing tended, and still does tend, to obscure the harsh reality of our modern society. The harsh reality is that a society in which all men have a money wage as their only resource is not only a society of very great complexity, and full of hazards to the working of the economy itself, but is also a society in which all men—all, not just a few—become subject to the threat of insecurity for which as individuals they have no remedy. It is this that explains the proposal for a universal one-hundred-dollars-a-month-pension to the aged, proposed by Republican Senator Ives. It is this which explains President Truman's "Fair Deal", the "socialism" of the British Labor party, and it is this which explains much of the increasing demands of the trade unions.

The recent demands for old-age, sickness, and retirement pensions are the logical sequence to the disappearance of any source of real income for the mass of men in our urbanized industrial community, and the demand is inevitable. The real question is not whether it will be met, but whether it will be met by the trade union and the industry, or by the "welfare state" out of taxation.

The unions were both so weak and so slow that the larger need caught up with them before the full tradition of security through industry and union could be universalized. It might then have been possible to protect society from the evil benefits of the welfare state. One thing is clear, however: a complete dependence upon a money-wage income for all, or even the vast majority of men, can only end in tyranny by the state that provides the needed security; for, to provide the security, not only will it tax the substance of the community savings, but it will interfere in the operation of our industrial society to lessen the unemployment and friction which complexity makes possible, and perhaps inevitable. To save man from insecurity, the

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

state will in time, as the increasing dependencies force it to, assume greater control over production, and over the members of the community itself, so as to regulate and make " efficient " the " welfare " that it will have to provide.

The issue here raised may not explain the conscious justification for the protagonists of the " welfare state ". They, too, are blind and helpless victims of the efficiencies of a competitive society that has as its ideal an increasing income, expressed in money wages for the mass of men. They, too, are caught in the consequent complexities of our society, over which they have no control, and with which they meddle like blind mice gnawing at a rope that will spring the trap. They are not morally culpable, their intent is good, and their purposes are of the highest. In fact, it is not their fault.

Our milieu requires increased efficiency in production; increased division of labor follows this demand; and increased dependence upon a round-about way for gaining one's living is the inevitable result of the whole process. These indirect ways of getting your food in a restaurant rather than at home, of eating bought bread rather than baking it, of sending your shirts to the laundry rather than having them washed at home, are all " efficient ", all requiring a larger income in money, all adding to the complexity of the society and the helplessness of the individual, all making for the inevitable insecurity of which the big economy is the parent. The personal insecurity this process produces explains the increasing breadth of the demands of the trade unions and, as we have already said, of the responsibilities of the welfare state. If the workers do not succeed in making the industry and the union the vehicle for the provision of the essential security, then the state will perform the task itself; in the process, destroying the liberties of our time and making man subservient to an all-absorbing Leviathan. If the trade union succeeds in doing it, it will re-create a society of status, where the rule of the larger community law may survive as a means of protecting the individual against too heavy a price for the security he is given by the union. Under such conditions, a division of power will make possible the survival of the sense of independence, which the welfare state will ultimately destroy, with the best intent in the world and in the name of freedom.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

The projection of this theoretical discussion seems necessary in order to make it clear that what the trade union is doing it has to do. It must add to its responsibilities for the individual and place upon industry the moral responsibility for the welfare of its members, for only thus will it save both the union and the industry—save them, even if that was not its conscious purpose. True enough, the older competitive structure is being changed, and perhaps undermined, but it is being undermined anyway, if not by the union, then by the corporation and by the state. And the state must now assume the responsibilities abandoned by the helpless family, the impoverished church, and the weakened parish, if the industry and the union will not accept them.

In meeting the challenge of an all-consuming money economy, the union has found in the collective agreement the essentially flexible instrument that it is able to use for the increasing security needs of its members. But two things are to be noted: First, the growing demands reflect growing needs and expectancies. Secondly, the collective agreement builds upon precedent rather than upon principle or doctrine. It does not attempt to write a theory into the law; it is creating a law out of innumerable precedents and judgments upon particulars. It would be a mistake to assume that each collective agreement rests upon some unique principle. The collective agreements vary in detail, and have greatly expanded the number of items they take cognizance of, but they have changed little in basic commitment. These agreements began, and have remained, a collective rather than a personal effort to deal with the difficulties of our time as they impinge upon the worker. How true this is can be seen in what the collective agreement, every collective labor agreement, does, and must attempt to do.

Previously, the individual laborer could be discharged at will and without notice, but, under the union's aegis, this is no longer possible. Other features of the agreement follow:

(1) It has a time limit.

(2) It has a previous body of minimum conditions, both "legal" and customary in "industrial jurisprudence" and precedent.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

(3) It is universalized so as to cover more than one person, or any one group, shop or factory.

(4) It has objectives not immediately connected with the job, equalization of opportunities for union members.

(5) It limits the rights and opportunities of others not embraced in the agreement.

(6) It describes the expectancies for all members working in the shop, for all who will work in it.

(7) It accepts the union as a going concern, and recognizes it as an agent of the workers, and as possessed of power to interfere in the industry.

(8) It accepts the internal rules of the union as part of the contract; for instance, to discharge a man who loses his trade-union membership.

(9) It projects into the future the benefits of the immediate agreement—unemployment, health, and old-age insurance.

(10) It recognizes the "right" of the worker to his job.

(11) It makes that right in some sense negotiable, by displacement wage, retirement wage, depending upon the years employed.

(12) It defines and universalizes privileges, vacations with pay, and so on.

(13) It regulates the future career of the individual within the industry—by seniority job classification, and so on.

(14) It structures the relationship between each individual within the union, as to pay, promotion, retirement.

(15) It provides for "legal" redress through shop committees, arbitration, impartial chairmen.

(16) It assumes the growth of "industrial jurisprudence".

(17) It ties the wage contract to some outside standard, such as price changes, productivity, profits, higher standard of living.

(18) It sets rules for admission into the industry, age, apprenticeship, membership in the union.

(19) It staggers work during slack periods, and imposes increasing limitations upon management.

(20) It penalizes employer, employee and the union.

(21) It provides for an internal judiciary system.

(22) It establishes an increasing body of rights which go with the job, not with the worker.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

(23) It endows the union with powers of "government", and an increasing responsibility to both the members and the industry.

These principles were implicit in the very first labor-management agreement. The specific items that creep into the agreements as they are renewed are matters of precedent, convenience, and relative power.

As previously indicated, however, if the collective agreement embodies far-reaching "principles", it also contains the differentials that separate each labor group from the others, and that make each trade union a separate order within the society. These "rights" and immunities are not interchangeable between one trade union and another trade union. Once a worker's lot is cast in one union and one industry, it becomes increasingly difficult for him either to alter his relative status in his own new "society", or to move from the union which has defined his rôle for him into another union where perchance he might discover a more congenial place for himself.

The worker is, in fact, caught up in a system which circumscribes both his mobility and his opportunities. Mr. Petrillo expressed the substance of the matter when he said, "I don't know where he [the expelled musician] would get a job today. An expulsion is a very serious matter for a man who is making his living with his instrument. . . ."[8] The expulsion is "a very serious matter" because it deprives the worker of the status which he had acquired without restoring to him the opportunity for an individual contract. That possibility no longer exists over broad fields in our society.*

FRANK TANNENBAUM

COLUMBIA UNIVERSITY

[8] *Hearings before the Committee on Labor and Public Welfare*, p. 232.

* This essay is a chapter from a forthcoming book entitled *A Philosophy of Labor*.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

SOME REFLECTIONS ON THE RISING OF SUBJECT PEOPLES

THE assertion has been made that the most pregnant phenomenon of the present time will, in retrospect, appear to have been neither the harnessing of atomic energy nor the emergence of Russia to the status of superpower (with the consequent dwindling of all the other ex-great European states to second or third rank), but the emancipation of subject or colonial peoples, particularly those on the Asiatic continent.

Inherent in the fact of contemporaneity lies the impossibility of discerning with assurance the relative importance of events occurring and forces operating in one's own time. Some of the most significant forces in history have long been at work under the surface of current happening and have only received adequate recognition long after their effects have modified the tenor of existence and the pattern of society. That the colonial, especially the Asiatic, peoples are rebelling against their bondage, and that they have for the first time met with a large measure of success in their rebellion, are, however, simple matters of recorded observation. The rebellion is hardly new, any more than is the consideration of its potential consequences: Kaiser Wilhelm II liked to fancy himself as a knight in shining armor, brandishing a flaming sword and leading Europe in a crusade against the Yellow Peril. That was half a century ago. It is the very European contact which has planted in the East the seed of its own nationalisms, and it is the weakness brought to the various units of Europe as the result of their inability to compose their differences which has given Asiatic nationalisms their chance in successful rebellion. The process is far from complete, but it has gone a long way. It may well be regarded as a one-way process that will have to work itself out to completion. The Arab world has largely achieved independence in Asia and is pushing westward in Africa to the same purpose; the British have left Burma and retain but the flimsiest of political con-

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

nections with former India; Dutch Indonesia has gone a fair distance along the same path; and China, if amenable to any outside influence, will at present give high priority to that of Moscow. The influence of Moscow, actual and potential, in China or elsewhere on the Asiatic continent, is in a way a novel and somewhat special condition that will have to be considered separately.

Leaving aside, then, for the moment, the mysteries of the Kremlin, there may be point in reflecting on the current Asiatic phenomenon, the background of its mood and the prospect of its consequences. The conquest of the East by the West, essentially by Europe, may be said to have begun sharply at the turn from the fifteenth to the sixteenth century. At varying rates of intensity, and with another violent outburst of European imperial energy during the latter part of the nineteenth century, the process went on continuously up to and through the First World War. Thereafter, Europe began to retreat and the Second World War, accelerating the process, has brought it within sight of completion. In historic terms, especially in terms of Asiatic history, the whole development, from initial conquest to the present, has been relatively brief. Eventually, it may well come to be looked upon, especially by the peoples of Asia, as a transitory phase in their evolution.

Also, for the sake of accuracy, one should bear in mind some important qualifications when thus speaking of Asia as a whole. The Near or Middle East is in many ways more Mediterranean than Asiatic and has always been part of the Mediterranean world; its contacts with Europe have therefore been long and intimate, as ancient one may say as Western civilization itself. India and the Archipelago, on the other hand, were brought into sudden contact with a Europe that was well established and came to trade and conquer. China, again, never quite fell under full European sway; however weak and ineffective her central government, she retained the formal trappings of sovereignty, though foreign economic penetration had deep effects. Despite these very considerable differences, which should be neither underestimated nor ignored, there is nevertheless a common denominator in the mood of all parts of Asia—whether Moslem,

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Indian or Chinese—that warrants looking upon it as a whole in the present considerations.

Europe, to be sure, hardly introduced a novelty in Asia in the fact of conquest as such. The peoples of Asia, like other human beings elsewhere on this planet, had always found ample energy for the waging of war. Empires rose and fell in Asia as elsewhere. One of the factors which contributed to the ease of the European conquest of India was the decline which had eventually set in under the rule of her Mogul conquerors; another was the ability of Europeans to insinuate themselves into the rivalries of that subcontinent. Some things stand out, however, in the record of European contact with Asia which are of great significance. The Ottoman Turks in the sixteenth century were a match for any, and rather better than most, forces with which Europe could confront them. But the tables soon turned: while the Ottoman Empire began to recede as a consequence of the rot of its inner vices, Europe went on to develop ever greater and more efficient power. And the record of the Ottoman Turks was, until very recently, nowhere else duplicated thereafter in the contacts between Asiatics and Europeans. In the ultimate test of power, the *ultima ratio regum*, that of force, the record of the West has been one of virtually uninterrupted success. Even now, when the West is retreating, it is not doing so as a result of open defeat in the field (allowing that the example of Japanese successes against Western forces for a time has made a deep impression on its bystanders—bystanders, be it noted, rather than participants).

This military record of the West need not be a source of pride: indeed, the Western peoples are to a large extent in a sober mood where military pride and glory hold little appeal for them at present. The record is, however, hardly a controvertible fact, and the reason it is mentioned here is that it is an indication of the West's greater effectiveness in dealing on the level of power with Asia.

The point is made sometimes that too much stress is laid on force, on power, and that it is Asia's characteristic difference from the West that it worships other, presumably higher, values. The recent emancipation of India from British rule is cited as

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

an outstanding example of the triumph of nonviolent methods. Indeed, British withdrawal from India is an episode that one may well admire: looking at it whole, the detailed record of suppression and bickering dissolves into the larger accomplishment, a credit to be shared by British and Indian statesmanship alike. If, considering the normal nature and behavior of power, the greater share of credit for the wisdom of withdrawal may perhaps be granted the British, on the other hand the surprisingly rapid dissipation of rancor on the Indian side is a unique phenomenon that commands no less admiration.

But, granting the uniqueness of this performance, even in this case, it may be pointed out that the withdrawal of Britain was due to the decline of British, perhaps more than to the rise of Indian, power. Credit enough to the British to have recognized the ultimate futility of the use of force—though the long record of the evolution of the British imperial structure offers ample precedent of this nature—the factor of power is none the less at the center of this development. Some would even say that the changed temper of the British people in their attitude toward the use of force is in itself an element in the British decline, however much in other ways it may also be a token of higher development. And as to India herself, for all the stress on nonviolence, now that she is an independent state, has she not felt that there was no alternative to the use of force in the matter of Kashmir, and has she not stated through her spokesmen that she will oppose force to aggression? Allowing for a world of difference between the offensive and the defensive use of force—a distinction sometimes clear, but often beclouded—the most genuinely defensive use of force amounts in the last analysis to an acknowledgment that power is still the supreme arbiter of disagreement among nations. Our world is still a world of nations among which India is one of the newest. There seems little reason to fear aggression from her, but likewise little prospect that she will act differently from other nations where what are in her eyes vital or legitimate interests are at stake.

On this score there is perhaps little to choose at present between East and West, or perhaps either offers within itself a variety of approaches and moods: there was as much in common

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

between the members of the Rome-Berlin-Tokyo triangle on the one hand as between the Western democracies and India on the other. Astride the two groups, Russia, fixedly gazing upon the Marxist star, with a vigor only matched by lack of sincere conviction, will glorify peace or war as may best suit the book of temporary tactics. We may leave it at this: one, that the world will in the foreseeable future continue to be organized along the lines of discrete political units; two, that these units are in effect agreed upon the inescapable rôle of power.

. . . . . .

To return to the earlier line of thought, in the matter of the relations between East and West, or more broadly between subject peoples and their dominators, we may stop a while to ponder the reasons for the past success of the latter. Power, in the end brute force, is an answer. But power, in its crudest form weapons, does not exist in isolation. It is one particular expression of the complex of factors that exist within a society and give it its peculiar shape. From this standpoint, ideas are of equal importance to purely military instruments, and in this broader sense the process mentioned earlier and initiated by Europe in the sixteenth century has not been completed. For what are the subject peoples, or those just emancipated, doing but emulating Western nationalism—of a somewhat earlier vintage than the mid-twentieth-century variety perhaps—and seeking to assimilate the Western techniques and ideas that gave the West its power? Many will regret this process and feel that only the worst of the West is being imported and imitated. There is validity in this allegation, but no alternative has yet been offered if emancipation be granted as the first good. The case of Japan is enlightening. She is, so far, the only non-Western nation that has succeeded in emulating the West to the extent of being able to meet it on its own terms of power. Her defeat in the Second World War does not invalidate this point: it may be no more than an episode in a development which is still very new in her case and which, on the whole, she has managed with conspicuous success. When Japan deliberately embarked upon it, she calculatingly and shrewdly went on a shopping tour of the West from which she brought back blue-

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

prints of a German military machine, a British naval organization, a French system of education, as well as the techniques of Western industry and finance. With less efficiency perhaps than in the case of Japan, and with more attractive results one may hope, a similar process is now going on in the rest of the non-Western World. What is India's present leader himself but, to a large extent, a British liberal of the moderate Left?

This same Mr. Nehru, so deeply influenced by the West and to whom much of the credit must go for the fortunate handling of the situation in India at the point of transition to independence, feels very strongly—and with reason enough—on the score of the relation between subject peoples and their dominators. By force of personality and circumstances, he is, to a point, the spokesman of these dependent peoples. A sincere advocate of nonviolent methods, of which he considers India's behavior to be a prime example, in the course of an address delivered at Columbia University during his recent visit to the United States, he made this statement: " It is forgotten that nearly all the great religions of mankind arose in the East and that wonderful civilizations grew up there when Europe and America were still unknown to history." [1] The statement warrants some analysis and consideration. In itself it is a mere statement of fact that none will gainsay, and the intention here is not to enter into a discussion of the relative merits of various civilizations—an invidious endeavor at best—but merely to return once more to the question of the reasons for the greater effectiveness of the West during the past four centuries, which greater effectiveness is the reason for imitation by others.

The West received its religion from Asia, and that religion having incorporated large elements of purely Western inheritance—elements of Greek and Roman legacy—was, for a long time, the dominant factor in its culture. The West indeed still considers itself Christian, and there is no denying that, however much Western mores and thought have emancipated themselves from the narrower shackles of ecclesiastical dogma and control, much that may be put under the broad label of fundamental Christian values deeply colors the culture of the

[1] October 17, 1949.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

West. But the point to be stressed is the degree of emancipation and the fact that this emancipation has taken place concurrently with the previously mentioned successful assertion of Western power. Leaving aside considerations of causality, it is enough, for the moment, to retain the fact of simultaneity. It may be worth stopping a while to look at the enactment of the process.

Historians are wont to speak of the sixteenth century as the opening of the modern age. So sharp a distinction has an inevitable element of arbitrariness and oversimplification in it, and there is, in fact, a certain amount of wrangling within the guild over its appropriateness. Nevertheless, the distinction is largely warranted and will serve the purposes of this discussion. If we think of two names, Luther and Columbus, the point will be brought into sharper focus. These two names are chosen advisedly, for the reason that they may seem at first to represent wholly unrelated fields of activity. Between the enterprise of exploration and discovery and the endeavor to reform Christianity back to its pristine purity and purpose, the emphasis may be at first on contrast: a forward-looking against a backward-looking approach. This is correct enough. Luther had no intention of opening up new worlds, but merely of rediscovering the old path to the very ancient world of salvation: on that score he agreed with Rome, merely contending that Rome had lost the way. Luther's outlook is in many respects medieval, his inspiration and support to be found in St. Paul and St. Augustine. His success did at first produce a return to an intransigeance characteristic of earlier aspects of Christian practice. If tolerance be considered a good and a concomitant of progress, Luther—like his fellow reformers of the sixteenth century—set the clock back. Religious and other tolerance, in so far as it was an outgrowth of the Reformation, was an accidental and unintended result.

Yet Luther in his rebellion did something else which makes it possible to call him modern: he asserted the right of the individual against that of authority in the specific matter of interpreting Holy Writ. This claim was based on the naïve assumption that truth is one and that various individuals going to its prime source would therefore come from it with the same

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

result. Rome, if more practical, was also more far-sighted in realizing that to yield on the fundamental issue of the need of a clearly differentiated authority—the Church resting on divine foundation—other than individual human reason would introduce a fatal principle of disintegration: the Tridentine Council made no compromises on fundamentals of dogma or organizational structure. Luther himself soon weakened in the logical application of his own principle and the Lutheran Church emerged in the end as a Christian church with a definite dogma —and a surrender of the Catholic principle of universality in the form of a definite alliance with the state.

However unintentionally, therefore, Luther was highly instrumental in driving into the previously existing climate of thought the thin end of the wedge whose main body consists in the assertion of the supremacy of reason. Rebellions against Rome were no novelty, but the chief cause of the great success of the Reformation in contrast with the failure of earlier attempts of a comparable nature is the fact that this rebellion occurred in the midst of a favorable climate of which the activity of Columbus is simply another manifestation. The common element, or the connecting link, may perhaps best be labeled with the one word Renaissance, though we have often been used to thinking of Renaissance and Reformation as representing antithetic and antagonistic attitudes. In the immediate and narrow sixteenth-century context they are: humanists and reformers often differed widely in temperament and outlook. But in the broader perspective of time a synthesis has been effected—just as it is conceivable that the passage of time will effect a synthesis between the (to us) seemingly irreconcilable aspects of the current ideologies over which we are quite as exercised as were our ancestors fighting religious wars. The central point is this: the sixteenth century witnessed the successful assertion of the value of the individual in the here and now. No principle so broad as this, of course, may be rigidly fixed in time, yet the currently adopted division will serve. Behind this central attitude, inextricably mingled with it both as cause and effect, there lies by implication the belief in the capabilities of that attribute which is most characteristic of human identity, the power of reason.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

The belief, rather implied than stated at first, in the unlimited possibilities of the application of the human endowment to the concrete world of experience, the seed that was to grow into the unqualified assertion of the supremacy of reason, lies at the root of what has made the modern world what it is. The quality and desirability of the process and the result are other matters, extraneous to this discussion primarily concerned with analysis.

Of necessity, it took a long time for the seed to bear fruit. We certainly do not think of the sixteenth century as an age of reason—nor was it one. It was, like ours, a time of transition, disorder and confusion, characterized by strong emotions that lead to ideological struggles, the seemingly inevitable manner in which mankind changes its fundamental ways. But Columbus sailing westward to the East, Luther attacking Rome, outwardly faithful humanists canonizing Plato that they might the more easily dethrone Aristotle and the medieval thought over which he presided, Copernicus questioning Ptolemy, were in fact all assisting in the enactment of the same process of change.

It took some two hundred years for the Enlightenment to emerge as the fitting climax of Renaissance and Reformation. The parents might have disowned the child, yet it was unmistakably theirs. It may be worth stopping a moment to observe the process of transformation. Three names, chosen among many possibilities, may be used to accentuate its features.

Galileo was born in 1564 and died in 1642. He is, properly, thought of and honored as one of the founders of modern science. In that particular respect, Galileo is in many ways not typical of his time, an age of most unscientific temper. More typical is the scorn of his colleagues at Padua for such gadgetry as his telescope: the perusal of Plato would be more dignified and profitable use of a philosopher's time and talents. But that is precisely where Galileo's merit lay, to have embarked boldly upon the uncharted waters of experiment, with reason unfettered as his guide. The quality of his personal equipment is responsible for the high order of his achievement. Yet he, too, like Plato-worshipping humanists and religious reformers contributed to tearing down the old, while laying the foundations of the intellectual edifice of the future. Galileo was not interested in religious exegesis, simply adhering to the faith of

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Rome. Had not his time been troubled by an intolerance born of the heat of religious controversy, his scientific work need not have run afoul of the Roman Inquisition. When tried and condemned he humbly recanted. Incapable of really rejecting the findings of reason, he yet did not question the teachings of the Church. But if the issue was not clearly joined in him, it could not be forever suppressed.

Short-lived Pascal overlaps Galileo by a few years. Also a first-rate intellect and capable of using reason with the best in the scientific endeavor, Pascal also happened to be vitally interested in religion in a way that Galileo was not. A highly independent spirit, cowed by neither Jesuits nor Pope, Pascal squarely met the problem of the relation between reason and faith. His solution was a complete and (to him) clear-cut dichotomy; as he put it: "We must give heart to those timid people who dare not invent anything in physics, and we must confound the insolence of those foolhardy people who bring forth innovations in theology." Most deeply religious as he remained, Pascal could not envisage extraneous fetters on the free exercise of the rational faculty operating in the field of experience.

The year that saw the passing of Galileo witnessed the birth of Newton who carries us into the early part of the eighteenth century. Newton's formulation of the law of universal gravitation capped that most elegant structure that Copernicus, Galileo and Kepler had begun to erect. With the achievement of the Newtonian synthesis the implications of the scientific process had inevitably deep repercussions on philosophy. Newton himself was not exercised over any such issue as a conflict between religion and science. Actually, the best and greater part of his scientific work was done early in his career and he spent many subsequent years looking after the Mint and contemplating some of the more abstruse aspects of Holy Writ. Newton was operating, as far as matters religious were concerned, in the context of the Anglican Church, far looser and more flexible than that of Rome.

But, regardless of Newton's own position in the broad field of ideas, the impact of his accomplishment could not be held back. More than any one single individual, Bible-meditating

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Newton is responsible for the Enlightenment, responsible at least in the sense that the Newtonian World Machine is the clearest expression of the thought of that age. To a large extent, the popularization of the Newtonian World Machine is the work of Voltaire, truly Newton's intellectual child and the logical outcome of two hundred years of the scientific process.

All this may seem very remote from twentieth-century Asia and its current efforts at emancipation. It has been outlined in some detail because in the story of this evolution lie the real bases of the modern world and of the forces that have molded it to a shape different from any it ever had before. Also because the process is unique and has no precedent in history. In simplest form, it is science, modern science, born and bred in the West, which has reshaped this West and given it the position of leadership and power which it has achieved.[2]

Two more things should be said at this point. First, the scientific process is a cumulative one where, unlike the case of literature or most arts, one may speak truly of progress: the modern student of mathematics soon knows a good deal more of that subject than Newton ever did, quite independently of his own abilities as a mathematician. Secondly, the development of the scientific process may fairly be said to have been exclusively confined to the West. Of equal importance, the process and its consequences have been indigenous to the West, a point to the significance of which we shall return.[3] These are mere observations of fact.

The development which has been sketched did not stop with Voltaire and the Age of the Enlightenment. But new factors began to enter the picture with the turn into the nineteenth

[2] It may be said that the Greeks were long ago possessed of the scientific spirit. This is true, but the significant thing is that the movement started in Ionia was short-lived—whether the real fault be Plato's or Christ's matters little. The process was resumed roughly in the sixteenth century, but essentially not until then, and it is instructive to observe that many of the early scientists of the modern period looked back to the Greeks for models and inspiration. This was essentially a sound view on their part; and our greater knowledge of the medieval period both in Europe and in the Moslem world has not altered the fact that, basically, the interval from Greek to modern times had been, scientifically, a dark age.

[3] It should be noted at this point that Japan has been able to operate the modern scientific process with success, if one is to judge by the quality of the accomplishments of her individual scientists.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

century. Voltaire was still a Deist, but when Laplace was asked by Napoleon what rôle he had assigned the Deity in his *Mécanique Céleste*, the answer was: "Sire, I had no need of that hypothesis." This was in 1805, simply an expression of the fact that the corroding effects of the critical faculty had gone a step further along the path trod by Newton.

Also, until the eighteenth century, the whole process of scientific development had had relatively little impact upon society which, in its mass, went about its affairs much in the same manner and with the same outlook as, to all intents and purposes, it had always had. Change there had been through the centuries, but the rate of it was such that, by contrast with our current acceptance of it as the norm, the pervading outlook was of stable immobility. Two new forces were already at work under the surface in the eighteenth century that reached explosive pressure toward its end and have since set the course of society: industrial development and the French Revolution.

The same Enlightenment and the same Voltaire preside over the second which, interestingly enough, often looked to the ancients for inspiration and models of behavior and virtue. The first is undeniably a child of the scientific temper: however divorced in spirit from the desire for practical and useful application the scientific endeavor may be, technological development is inextricably involved with scientific progress, even if often in accidental and fortuitous manner. From the beginning of the nineteenth century, the accelerating pace of industrial growth and the potential leaven of the French Revolution became thoroughly entangled and, in a broad sense, the effects of that combination are still with us.

The consequences of this were many. What is fundamental, from the point of view of the present argument, is that there came to prevail the belief that, with the understanding and then subjugation of the forces of nature, man had it in his power, or at least was getting within sight of the day when he would have it in his power, to procure for himself at first a sufficient, eventually an increasingly easy, existence. Alongside with this, the assertion became ever more insistent on the rightness of the claim to such an existence on the part of all men. Industrial develop-

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

ment and democracy—political at first, now, so-called, economic —sum up in brief the story of the evolution of the West from the French Revolution to our time. Even so large a thing as the Marxian analysis in this context merges in the larger movement. Concurrently we had what may be called important, yet secondary, manifestations: extension of the franchise toward its logical universal limit, literacy, and compulsory education being among the most significant. What this meant was that the masses of the people were being permeated, in however crude and superficial a way, by the dominant *Zeitgeist* of the epoch—this by contrast with the eighteenth or earlier centuries when a thin layer of society alone participated in the movement of ideas—and also that these same masses were taking into their own hands control of their fate. For the trend to reach its goal took time, the development was uneven,[4] but the tendency is unmistakable as is the fact that the movement has tended to proceed, like scientific accretion itself, at an accelerated pace. The process may be said to have come close to completion in our time.

This whole development has had two characteristics, implied in the foregoing analysis, which however must be stated and stressed. Basically it has been material and secular. It may seem paradoxical that the growing security and ease of existence should have been accompanied by increasing demands of a material nature instead of releasing more energy for spiritual pursuits. This might be put down as a manifestation of the less attractive human characteristics of ambition and greed, but of greater significance perhaps is the fact that material progress, as revealed by the increasing effectiveness of man in controlling matter, opened up for all men vistas of possible realization, whereas former utopias had been situated either in a dimly remembered past or in an unforeseeable future. No longer a utopia, there was now point in striving for the good things of earthly existence instead of adopting an attitude of resignation

[4] The greater industrial development of Britain; the earlier extension of political democracy in France; a Germany, most advanced in literacy and social legislation, but politically backward; many other things that could be cited are, in this context, details that do not invalidate the main argument.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

to this world and of hope for better things in the next. The Calvinist equation of material success with sanction of divine favor is one of the early and less attractive manifestations of the new intellectual climate. Later on, it was fitting that socialism should be frankly materialistic in outlook and flourish the slogan "Religion is the opiate of the people." We are here dealing with a tendency that has not yet spent itself, whatever future centuries may hold in store by way of spiritual revival. This is not to say that spiritual values are necessarily dead, but merely to assert that the dominant tone of Western culture has been increasingly materialistic. Even the churches, presumably prime repositories of spiritual value, have not escaped this influence, and it is somewhat pathetic at times to observe the increasing tendency among some of them to adopt an almost apologetic attitude toward anything truly religious—let alone so narrow a thing as dogma—and to degenerate into a stress on the purely social aspects of existence. The rapid decrease of direct acquaintance with the Bible may be regarded as the outward sign of this transformation. And, appropriately enough, the process has probably gone furthest in America, America being obviously the most striking example of material success in the so-called Christian West.

Objection may be raised to this analysis which is, admittedly, oversimplified, and the case may be cited of the Church of Rome as an exception. The Church of Rome, indeed, has found itself confronted with a situation in some ways comparable with that of the Reformation. Its answer has been the same in both cases. Unwilling or unable to absorb the ferment that caused the Reformation, it likewise refused to compromise with the modernist movement. Even without going back to the *Syllabus of Errors*, the first decade of the present century witnessed a definite and renewed condemnation of Modernism. Whether that be an ultimate source of strength or weakness, and powerful as the Church of Rome remains, it can hardly be gainsaid that it has excluded itself from some of the intellectual currents of the modern world. Yet, even in the case of Rome, adamant on the issue of dogma, the modern world has breached its precincts to the extent at least that the extensive dislocations

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

of our time have induced it to acknowledge the justice of the claim to a minimum level of material existence.[5]

The disturbing—or hopeful (it depends upon one's point of view and predilections)—aspect of this development is the degree of its success, a success which derives from its effectiveness. This latter characteristic does not seem open to dispute. This in turn raises an important question of causality. Has the modern world been successful *because* it has divorced itself from the approach for which religion has traditionally stood?

If the foregoing be a correct reading of the course of the modern West, it will appear that the evolution of this West has been a process which got under way, say during the Renaissance for want of a better word, gradually permeated the educated classes of society, and finally during the nineteenth and twentieth centuries spread to the broad masses, until it has come to represent the most fundamental component of the climate of our present society. The violent dislocations of our time have caused some to raise worried questions about the direction and likely outcome of the process. It is pointed out for instance that, while science has been amassing knowledge at an acclerated pace and its handmaid technology has become the chief agent that directs the course of our lives, the scientific process has been divorced from values other than understanding for its own sake, never concerned with the consequences of its applications; a process, moreover, which may have induced the hope—though it never itself affirmed the certainty—of ultimate understanding, to say nothing of holding out the prospect of solving the problems of human society. Granting the legitimacy of this questioning, reflection of our troubled uncertainties, the fact remains that, to an overwhelming degree, the bulk of the energies of our society is spent in the endeavor to cope with material issues. To say nothing of the relatively mild stresses of the American scene, are we not repeatedly told that the way to combat the danger of communism in Europe and in Asia is

[5] This, of course, does not affect (per se) the doctrine or fundamental function of the Church. A modern Pope, like Leo XIII, had already recognized the importance of social problems. It is nevertheless a long distance from the insistence that the accidents of our earthly passage are of little significance in themselves and are best dealt with by an attitude of resigned acceptance.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

not so much by preaching and stressing the value of our democratic ways as by providing a better material life for their masses? Indeed, as a short-term panacea, there is reason to grant the validity of this purely material approach.

. . . . . .

And if we turn to the world of the subject peoples, to the Asiatic world in particular, what do we find? The failure of nationalist China is mainly charged to the inability or unwillingness of its leaders to cope with the grievances (material and economic) of its masses. The issue whether and how far the British exploited or benefited India is becoming increasingly historical and academic. One may suspect that free India will not go very far in feeding its hungry masses with nationalism, and the concern of its government is primarily with such problems as food, land distribution, industrialization and trade. These economic stresses are behind the fact that there are said to be more people condemned to enforced leisure at present in India than was ever the case during the days of the struggle for emancipation. The Arab world, an anachronistic feudal survival in many respects, is likewise full of explosive stresses with the same economic roots, to such a degree that, despite the backwardness of its masses, one feels that the competition of Marx with Allah is by no means hopeless in its midst.

What does President Truman's Point Four represent—enlightened approach as it is—but an admission of the fact that our first and foremost concern in dealing with economically backward areas is to develop their material potentialities? There is no hope, we are told, for the ideals of a democratic society to prosper in a world of misery, starvation and disease. In the climate of 1950, this would seem a sound appraisal.

Our approach to the Arab world presents some interesting features which will serve to sharpen the point of the present discussion. Brought into rather sudden contact with this Moslem world as a major factor in its activities—having been forced to take over, unprepared, much of the responsibility that European Powers, especially Britain, had traditionally shouldered —we have also been brought to realize that a knowledge of that world, its social structure, its mores and its thinking was a pre-

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

requisite to effective action. Oil royalties to Ibn Saud and his compeers may serve as a temporary prop to the existing structure; by themselves they will not go very far to solve the fundamental problems of Islamic society, unless accompanied by a far deeper readjustment of its affairs. Paper constitutions, wide franchises, extensive political rights and liberties, suddenly imported into an unprepared milieu, are just as likely to create confusion as they are to produce a smoothly functioning democracy of our type. Economic development, rising standards of living, education, are the slower but more fundamental necessities on which to concentrate at first; thereafter the rest may possibly follow. In other words, the pace of history may not be forced, not beyond a certain degree at least.

But there is even more. If the fundamental factors which have made the Western World what it is in terms of power and effectiveness are to be taken over and successfully used by dependent peoples, this must in the long run be done by themselves. The imitation of Western nationalism may serve them to secure emancipation but thereafter will be of little use to them, if indeed it does not saddle them with a novel set of complexities. A Western education has so far been to a considerable degree an unsettling influence to its recipients without compensating advantages to their societies as a whole. Western training may indeed be of use, especially at the technological level, just as Western technical advisers may be valuable, but much more is needed in the end: to repeat, the ability to operate successfully on native soil the sources of Western success. No judgment is being passed either on the ultimate value of the Western process or on the ability of dependent peoples to imitate it. But it has been pointed out and may be stressed again that the Western development has gone hand in hand with a material and secular outlook.[6]

[6] Modern Turkey presents an interesting illustration. With the final collapse of the Ottoman Empire during the First World War, Kemal deliberately and forcibly set the new Turkey on the twin paths of Western nationalism and Western secularism. The experiment has met with considerable success so far though much remains to be done and it is too early to pass final judgment on its validity. One point of particular interest, however, is the ease with which the Caliphate was abolished and the lack of repercussions from this abolition throughout the Moslem world.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Clearly, so fundamental a change in the ways of the East means the most radical of revolutions. One may doubt at this point that its own famed and boasted values, or the fact that it has been the cradle of the great religions of mankind, will stand Asia in good stead. As pointed out before, for good or for evil, the change is under way and it would be surprising if the trend were reversed. But the facts that Asia is dealing with a fundamentally alien product and that, under the best of circumstances, the pace of change is extremely rapid raise large question marks and open most interesting realms for speculation.

To a point, perhaps, something might be learned from the one existing example that presents some important elements at least of similarity with the situation which has been here considered. During recent centuries Russia has been torn between what may be summed up in brief for convenience as the influences of East and West. Leaving aside the issue of which may be the dominant strain in her native make-up, it is fair to say that, since Peter the Great at least, Russia has made herself effective in relation to the degree to which she has Westernized herself. But there always remained many in Russia who continued to think of the secular West as headed for perdition and insisted that in the old ways of Holy Russia lay the hope of the world: this was, for them, Russia's mission. The name of Dostoevsky and his *Russia against the West* immediately come to mind by way of illustration.

Some very curious things were destined to happen in Russia. In defiance of the Marxist book of prophecy, agrarian Russia was the first state to fall under full control of the Marxist gospel. Whatever else one may think of it, Marxism is nothing if not Western, the very epithet scientific used to describe this brand of socialism, however misappropriated, a fitting recognition of and tribute to the direction of Western evolution outlined in this discussion. Quite properly, Marxism is avowedly materialistic and godless. What the course of events would have been had the revolution occurred in an industrialized Western bourgeois democracy makes an idle if nice speculation. Broadly speaking, it may be said that the combination of two circumstances accounts for the peculiar distortion of Marx that Russia

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

has presented during the past thirty years: one, the fact that revolution *preceded* the development of industry and the emergence of an industrial proletariat, with the consequence that the revolution had to proceed to build industry, an obvious reversal of the proper sequence; the other, the autocratic tradition of the Russian state which has merely been continued, in fact annexed as a useful tool of control in forcing the development of industry. Paradoxically, the very thing which caused the explosion of 1917 in a sense survived and saved the revolution. Russia is an illustration of what may happen when an attempt is made to force the pace of history.

But there is another aspect of the Russian phenomenon which bears examination in this context. Having shed with contempt all the religious trappings of old Russia, Bolshevist Russia emerged with a renewed and far stronger sense of mission than the country had ever had. Here, too, there is continuity, albeit of an unexpected sort. Bolshevist Russia has met with far greater success in her mission than any Tsar could ever have dreamt. The reasons for this success have been two. The great masses have to a considerable degree responded to the promise of a betterment of their lot, especially amid the stresses of economic crisis and military conflict which have caused a worsening of this lot—a fact which should be no cause for surprise. Also, one often hears that genuine Communists are now more likely to be found outside the sphere of direct Russian control. This is probably true, and what it means is that there can be found in the Marxist gospel an element of idealism which has rallied to the cause a substantial section of people who were not motivated by prospects of immediate gain or by a reaction to their own intolerable situation: bourgeois intellectuals have supplied a goodly part of the leadership of the movement. There may thus be said to have emerged an idealistic materialism—idealistic in the sense that the driving motivation is a desire for good other than one's own, often accompanied in fact by a willingness to sacrifice. The influence of this factor should not be underestimated.

It all makes for a situation which is as interesting as it is confused. The appeal of communism, largely identified until

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

now with voluntary subservience to the good of the Russian state, has rocked Europe to its foundations. But it has also struck a deep response among the subject peoples of Asia, in combination with the espousal of the slogan of national freedom. What communism means to the illiterate masses of Asia might seem odd by the strict canons of the orthodox faith, but the fact is of minor importance at present. In confronting the dependent world the West is handicapped by the record of its own domination, whereas Russia, so long at least as she is not herself in direct control, can easily pose as the protagonist of justice. When it comes to the task of implementing changes, moreover, the Russian ways must be admitted to be closer to those which have been traditional among Asiatic states than Western parliamentary procedures and the painfully built up and carefully nurtured apparatus of civil liberties.

Though Russia herself would argue that she merely represents a more advanced stage of the evolution of the West, it must be remembered that something deeper than the superficial superimposition of Western technology or of any specific manifestations of Western political institutions is fundamental to the operation of the Western process. Materialistic as the West has been, its driving force has been one of the mind freeing itself from fetters. The whole record of the development of the West during recent centuries is one of the gradual evolution of ideas, economic practices, political devices and institutions which have drawn the nourishment for their growth from indigenous roots planted in their native soil.

To sum up, briefly, then, we should put it as a fundamental assumption that the forces which have shaped and are still moving the world have had their sources in the Western milieu. To this we should add the further observation that these forces have set in motion a process which, far from having spent itself, has been gathering momentum. The rate of scientific and technological advancement in our own time bears witness to this state of affairs. Short of overwhelming catastrophe—possible, but, one hopes, avoidable—it is difficult to conceive of the process either coming to a halt or receding. It is the very magnitude and momentum of the movement which have caused it to

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

overflow the bounds of its native origin. The preceding discussion has attempted to extract the essential characteristics which have given life to this Western development: its secular aspect, the stress on material results yet accompanied by, in fact resulting from, the stress on the unfettered operation of the spirit holding no tenets barred from critical examination; along with this, mingled cause and effect, the asserted belief in the essential value of freedom, political and civil.

All this is in the East a largely alien flora. Transplantation and grafting are not rare phenomena in the world of nature. But the point is that the institutions and ways of the West, if they are to retain life and meaning, must pass beyond the stage of slavish imitation to become thoroughly assimilated products. Whether they will or no, and how they will if they do, are speculations which exceed the bounds of this discussion. It would seem reasonable to expect this much, however: that the attempt will be made—it is being made already—and the process of transplantation will result in colossal stresses the shape of which seems hard to foresee.

That is the central problem of the East at present. By comparison with it many current items of dispute dwindle into relative unimportance: the still dependent parts of Asia will continue to struggle on to their appointed goal of freedom; for a time and to a point, the East may, reversing the traditional relationship, even succeed in exploiting the West. These are no ultimate solutions. The West, retreating because of lost power and altered mood, can no longer control and regulate the degree and shape of its own impact. It, too, for that matter, is fettered and conditioned by the law of its own evolution. What the rising East will make of the opportunities of its emancipation may well be a story of truly epic dimensions. In that sense, the rising of dependent peoples may indeed prove to be the most significant phenomenon of our time.

RENÉ ALBRECHT-CARRIÉ

COLUMBIA UNIVERSITY

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

THE SOVIET UNION, THE COMINTERN AND WORLD REVOLUTION: 1935

THE program of the Seventh World Congress of the Communist International, meeting in Moscow during the summer months of 1935, was widely interpreted abroad as signifying the abandonment by the Comintern and the Soviet Union of the aims and tactics of Communist world revolution, and much argument was devoted to the question of whether this implied a temporary or a permanent modification in the Comintern and Soviet program. In comparison with preceding Comintern congresses, the emphasis upon the "united front from above" and the "wide anti-fascist people's front", together with the relative absence of the customary diatribes against democratic and Social Democratic parties, created a favorable impression upon many foreign observers, who declared that proletarian revolution, as an aim of the Comintern and of the Soviet Union, had been abandoned.[1] Perceiving an incompatibility of the advocacy of the united front with a program involving extreme revolutionary goals, many concluded that the revolutionary nature and aims of the Comintern, with which the Soviet Communist party was intimately associated, had been forsaken.

The question of the relationship of the Communist party of the Soviet Union—the ruling political group in the U.S.S.R.—to the Comintern is the chief determinant of the value of a fresh analysis of the Seventh Comintern Congress. Indeed,

[1] This view was shared by several close students of the Soviet Union. "World revolution was abandoned.... The new program ... marked a permanent shift of Communist objectives away from global proletarian revolt and dictatorship to a defense of peace and democracy." Frederick L. Schuman, *Soviet Politics at Home and Abroad* (New York, 1947), p. 273. "The idea of the world proletariat and revolution has been set aside and replaced with the idea of a nationalistic Russia." Joseph E. Davies, *Mission to Moscow* (New York, 1941), p. 124. One observer accepted an "indefinite postponement of world revolution" on the part of the Comintern, which was to have no other purpose save assistance in the building of socialism in the U.S.S.R. Vera Micheles Dean, *The United States and Russia* (Cambridge, 1948), p. 141. Sympathy for this view is apparent in Samuel Harper, *The Russia I Believe In* (Chicago, 1945), pp. 219 and 223.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

the importance of a reëxamination of the Comintern policy in 1935 hinges upon its validity as an expression of Soviet, as well as Comintern, political theory and policy. In many ways, the predominance of the C.P.S.U. (B.) over the remaining sections or parties of the Comintern was evident. Not only did there exist the obvious coincidence of philosophical basis between the Third International and the Soviet state, but also Moscow provided leadership and forum for Comintern congresses. Of the principal leaders of the Comintern before 1935—Lenin, Zinoviev, Bukharin and Manuilsky—all had enjoyed prestige in the Soviet party. At each of the preceding six congresses, the large majority of the major speeches had been delivered by the Soviet delegates. Moscow itself, from the inception of the Comintern in 1919, had been the seat of all its congresses and of all meetings of its Executive Committee,[2] as well as the headquarters of its permanent staff. The leadership of the C.P.S.U. (B.), as the sole victorious party within the Third International, was logical. That the resolutions of the Comintern reflected the ideological content of Soviet policy can hardly be denied. Consequently, the significance of the Comintern Congress of 1935 justifies this reappraisal of its work.

An analysis of the speeches delivered at the Seventh Congress reveals strong evidence that the goal of revolution was not abandoned in 1935, and that this interpretation reflects inaccurately the real aims of the Comintern.[3] Close study of the sources reaffirms the accuracy of Harold Laski's formula that communism combines " rigid orthodoxy of aim " with " elasticity of method ".[4] Consider as a point of reference the words

[2] The Second (1920) and Fourth (1922) Congresses opened in Petrograd and subsequently transferred their meetings to Moscow. *Pravda*, 25 July 1935.

[3] The main source for the Congress is *VII Congress of the Communist International: Abridged Stenographic Report of the Proceedings* (Moscow, 1939), hereafter cited simply as *VII Congress*. The *Report of the Seventh World Congress of the Communist International* (London, 1936) contains only fourteen speeches and is inadequate. The contemporary coverage in *Pravda*, *Bol'shevik*, and *Kommunisticheskii International* is also incomplete and offers nothing new in content from the abridged stenographic report, which remains the most adequate source.

[4] Quoted in Sir Norman Angell, *The Steep Places* (New York, 1947), p. 70, from Harold J. Laski, *The Secret Battalion: An Examination of the Communist Attitude to the Labour Party* (London, 1946).

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

of the late Georgii Dimitrov, who, as the newly elected Secretary-General of the Comintern, was quite explicit on this point:

> Comrades, we intentionally excluded from the reports as well as from the decisions of the Congress *high-sounding phrases* on the revolutionary perspective. . . . As a Party of revolutionary action—fulfilling at every stage of the movement the tasks that are in the interests of the revolution, the tasks that correspond to the special conditions of the given stage, and soberly taking into consideration the political level of the wide mass of working people—we accelerate, more than in any other way, the creation of the subjective pre-conditions necessary for the victory of the proletarian revolution.[5]

Thus the immediate tactics of the united front and the long-range goal of proletarian revolution were not mutually exclusive policies, but complementary; the united front, in Dimitrov's words, was "the surest road to the overthrow of fascism and the capitalist system. . . ."[6] Earlier during the Congress Dimitrov had declared with the utmost dialectical orthodoxy: "We would not be revolutionary Marxists . . . if we did not suitably *reconstruct* our policies and tactics in accordance with the changing situation and the changes in the world labour movement."[7]

Numerous other statements supported the views of the Secretary-General. At the first session of the Congress, the chief German delegate, Wilhelm Pieck,[8] confirming the conflict outlined in the *Communist Manifesto,* declared that the course of history was marked by the struggle between the old and the new—the capitalist system and the socialist system. Retaining their revolutionary goals, the Communists were "convinced and ardent adherents of the dictatorship of the proletariat and of socialist democracy."[9] The path to be followed remained orthodox: "Our road is the road of revolution of the people

[5] *VII Congress*, pp. 559-560.

[6] *Ibid.*, p. 555.

[7] *Ibid.*, pp. 191-192.

[8] Now President of the "East German Republic".

[9] *VII Congress*, p. 3.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

against the oppressors and exploiters."[10] Inspiration and guidance were neither revisionist nor compromising: "Our will is the will of Marx, Engels, Lenin and Stalin."[11] But the necessity of postponing the immediate struggle was recognized by Thorez of France, who admitted that only a minority of the working class had accepted the philosophy of communism. "That is why Soviet power cannot be the immediate goal of our present struggle." Yet in marching at the head of the majority of the people, who were fully determined to oppose the Nazi threat, Thorez believed that Communists could transform that opposition into a struggle against capitalism.[12]

It is clear from numerous references at the Congress that its leaders were gravely concerned with the threat of German aggression and the growth of fascist tendencies in other countries. The threat of war against the Soviet Union, which was inherent in this development, was to be opposed by the creation of united fronts and people's fronts, a problem of tactics which dominated the discussions of the Congress. Yet, behind the conciliatory and undramatic exterior of the new tactics lay certain basic assumptions, among them, that there was a definite interrelation between the Soviet Union and proletarian revolutions beyond its borders; that an undeniable harmony of interests underlay the interrelation; and that the Soviet Union and the foreign proletariat, led by Communists, were to render each other mutual aid and assistance in the interest of revolution. It is within the nexus of these assumptions that the proceedings of the Congress should be analyzed.

The calling of the Seventh Congress had been adjusted with careful thought to the rapidly changing international situation, which necessitated several postponements. In December 1933 the Executive Committee of the Comintern had fixed the Seventh Congress for the second half of 1934.[13] Subsequent postponements were made, and the date was finally set at July

[10] *Ibid.*, p. 4.

[11] *Ibid.*, p. 5.

[12] *Ibid.*, p. 217.

[13] *XIII Plenum I.K.K.I.: stenograficheskii otchet* (Moscow, 1934), p. 569.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

25, 1935.[14] The reasons for the postponements were clear. With Hitler's rise to power the dangers of German fascism outweighed those of British and French capitalism, in the minds of the Soviet leaders. Negotiations for an eastern security pact, begun tentatively late in 1933, did not receive strong impetus until the breakdown, in April 1934, of attempts to bring Germany back into the Disarmament Conference.[15] France and the U.S.S.R. thereupon actively pushed plans for the eastern pact, but encountered the opposition of Germany and Poland.

The entry of the Soviet Union into the League of Nations in September 1934 failed to remove the obstacles which stood in the way of an "Eastern Locarno". However, Soviet admission to the League may well have been a factor which rendered highly inappropriate the convocation of a Comintern congress during the fall of 1934. Accompanying Franco-Soviet negotiations resulted in the signing of the Franco-Soviet and Czechoslovak-Soviet pacts on May 2 and May 16, 1935. Two months later the Seventh Congress of the Comintern met in Moscow.

In September 1934, at the time of the first postponement, the line-up of European Powers was still somewhat fluid, and the Soviet negotiations might have suffered seriously from the holding of a Comintern congress at this time. Early in 1935 the situation was relatively more propitious for the proper preparation of the coming congress through discussions in the columns of the *Communist International*. When the Seventh Congress met, the French and Czechoslovak pacts had been signed, and the extent of security obtainable for the U.S.S.R. through diplomatic processes was apparently defined. Now reinforcement for Soviet security was sought from another source.

The calling of the Seventh Congress, like earlier congresses, had as one of its basic assumptions the existence of a definite, necessary and inevitable relationship between the Soviet state

[14] A resolution adopted 5 September 1934 by the Presidium of the Executive Committee postponed the convocation from the second half of 1934 to the first half of 1935. *Communist International*, XII, 37.

[15] *Cf.* Max Beloff, *The Foreign Policy of Soviet Russia, 1928-1941* (London, 1947), vol. I, chap. 12.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

and the communist movement beyond its borders. This assumption dated from the creation of the R.S.F.S.R. and the militant Third International. "From its birth", announced Zinoviev in 1919, "the Third International ties its destiny to that of the Russian Revolution. . . .And in the same degree in which the Russian Revolution is strengthened, so the situation of the Communist International is strengthened in the entire world." [16]

Thus, what was not fulfilled in the time of Marx and Engels was claimed to be in the process of fulfillment in the twentieth century. In terms of communist thinking, state power now lay in the hands of one section of the international working class—the proletariat of the U.S.S.R.—while the greater and remaining part of that class had not yet realized its own revolution. The interrelation or interdependence of the Soviet Union and revolution beyond its borders had been reaffirmed in 1924 in Stalin's "Foundations of Leninism". Describing the new stage of revolutionary struggle which was developing after the October Revolution, Stalin then wrote:

> Objective: to consolidate the dictatorship of the proletariat in one country, using it as a base for the overthrow of imperialism in all countries. The revolution is spreading beyond the confines of one country; the period of world revolution has commenced. The main forces of the revolution: the dictatorship of the proletariat in one country, the revolutionary movement of the proletariat in all countries.[17]

Stalin's clear-cut formulation of the problem of interrelation was reiterated with unchallenged fervor by the Seventh Congress.

The concept of strengthening the relationship between the Soviet Union and the international working class in pursuit of world revolution rested in turn on the doctrine of harmony of interests. The Comintern leadership pursued a deliberate

[16] *Thèses, Manifestes et Résolutions adoptés par les I^er^, II^e^, III^e^, et IV^e^ Congrès de l'International Communiste, 1919-1923* (Paris, 1934), p. viii.

[17] J. Stalin, *Problems of Leninism* (11th ed., Moscow, 1940), p. 60. The selection is from "The Foundations of Leninism", a series of lectures delivered at Sverdlov University, in April 1924.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

strategy of attempting to show a complete and all-encompassing identity of interests between the Soviet state and the "international working class". In the situation of 1935 both the Soviet Union and the foreign proletariat possessed a common interest in peace and its preservation; both ran a common danger from the growth of fascism. At the Congress, Koplenig [18] of Austria asked rhetorically:

> Is it still necessary to point out today that the interests of the great worker and peasant state are identical with the interests of the international working class, and that the peace policy of the Soviet Union is the most powerful lever for the revolutionary struggle of the proletariat in all countries? [19]

And Ercoli [20] of Italy stated with positive assurance:

> For us it is absolutely indisputable that there is a complete identity of aim between the peace policy of the Soviet Union and the policy of the working class and the Communist Parties of the capitalist countries. There is not, and cannot be, any doubt in our ranks on this score. We not only defend the Soviet Union in general. We defend concretely its whole policy and each of its acts.[21]

Together, the U.S.S.R. and the foreign proletariat would constitute a union of forces in support of a common aim, holding out "the great perspective of the oncoming collapse of capitalism and of the guarantee of socialism throughout the whole world." [22]

The tactics immediately necessary for implementing the doctrine of identity of interests were those of the "united front", and its extension, the "people's front". "At the present historic stage," the resolution on tactics stated, "it is the main and immediate task of the international labour movement

[18] Now the senior Communist member of the Austrian Parliament.

[19] *VII Congress*, p. 339.

[20] Now better known as Togliatti, deputy in the Italian Parliament and head of the Italian Communist party.

[21] *VII Congress*, p. 427.

[22] Closing speech of Dimitrov, *ibid.*, p. 552.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

to establish the united fighting front of the working class." [23] Whereas in the past the Comintern had pursued the tactics of the "united front from below", the Seventh Congress deviated significantly in adopting what was termed the "united front from above". The distinction is important. The united front from below—the original form and one that was later to be resumed in November 1939—was to be achieved "on the basis of the development of the movement of the working masses themselves and in decisive struggle with the treacherous leadership of the Social Democratic parties." [24] But a radical departure was enunciated in 1935 with the advocacy of the united front from above, which was to be achieved on the basis of definite agreements with the Social Democratic leadership for either short-term or long-term joint action with the Communist party in each country.

The content and form of the united front received a great deal of attention, both in the speeches and in the communist press. In all "capitalist" countries the united front was to be concerned with "the defense of the immediate economic and political interests of the working class, the defense of the latter against fascism." [25] To satisfy possible anxieties on the part of the Social Democratic leaders, the Comintern declined to place any conditions on agreement save "one elementary condition indispensable to all workers," that is, that the agreement be directed against fascism, threats of war, and class enemies.[26] Communists were not to limit themselves to appeals for struggle for revolutionary dictatorship, but must "tell the masses *what they are to do today* to defend themselves against capitalist plunder and against fascist barbarity." [27]

The basic units to be set up in fulfillment of united front agreements were to be elective, nonpartisan groups at factories, among the unemployed, in the villages, and among the small

[23] *Ibid.*, p. 574.

[24] G. Alexandrov and others, *Politicheskii Slovar'* (Moscow, 1940), p. 187.

[25] "Resolution on the Report of Comrade Dimitrov", *VII Congress*, p. 575.

[26] Report of Dimitrov on the tasks of the working class, *ibid.*, p. 143.

[27] "Resolution on the Report of Comrade Dimitrov", *ibid.*, p. 575.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

townfolk.[28] This vertical form of organization would include agreements for coördinated action on levels beginning with individual enterprises, and passing through whole industries on the local, regional, national and international scale. The apex was to be the hoped for, but never realized, agreements between the leaderships of the Second and Third Internationals.[29]

The strictly proletarian nature of the united front tactics was evident. Only workers in the ranks of the Social Democrats, in other "reformist" parties, and in the trade unions were invited to participate in the united front. This represented no startling departure from orthodoxy; but the people's front was another matter. It was to include the peasantry, the urban petty bourgeoisie, and certain "advanced" sections of the intelligentsia. A people's front, it was pointed out, required as its foundation a united front within the working class itself. The formation of the united front was to precede the formation of the broader people's front.[30] In seeking to widen and deepen the ranks of opposition to fascism, the Congress extended its arms to embrace certain other classes and strata, hoping thus to gain prestige and numbers.

Having observed the form and content of the new tactics, one might well be justified in asking whether the earlier revolutionary methods had indeed been abandoned, and replaced by peaceful and legal propagation of the program of the Communist International. The answer depends upon whether or not the united front from above and the people's front were intended to be an end in themselves or merely a temporary stage in advancing toward the ultimate revolutionary goal. On this point the words of the Secretary-General of the Comintern provide a convincing commentary.

In his closing speech Dimitrov reaffirmed the character of the Communist party as a revolutionary, proletarian party. "We Communists", he declared, "are a class party, a proletarian party. . . .We Communists are a revolutionary party."[31] But,

[28] Report of Dimitrov on the tasks of the working class, *ibid.*, p. 148.

[29] *Ibid.*

[30] *Ibid.*, p. 149.

[31] *Ibid.*, p. 553.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

as the vanguard of the proletariat, the Communists were ready to organize joint action with other sections of the working people interested in the fight against fascism, even though such sections were nonrevolutionary in character. Dimitrov reiterated the distinction between the aims of the Comintern and the aims of the non-Communist parties with which it sought agreement. "We Communists", he said, "have other ultimate aims than these parties, but in struggling for our aims we are ready to fight jointly for any immediate tasks which, when realized, will weaken the position of fascism and strengthen the position of the proletariat." [32]

These expressions of the Secretary-General deserve that close attention necessary for the sake of accuracy in interpreting Comintern phraseology. That Dimitrov spoke of "other ultimate aims" appears to establish the transient nature of the immediate tasks for which joint action with the Social Democratic leadership was deemed urgent. But what were the ultimate aims mentioned? In an earlier speech, Dimitrov referred to an objection raised by the Social Democrats to the effect that the Comintern stood for the establishment of a dictatorship of the proletariat, a goal that rendered impossible any joint action with the Communist parties. In rebuttal Dimitrov asked: "But are we offering you now a united front for the purpose of proclaiming the dictatorship of the proletariat?" And he replied to his own question by saying: "We make no such proposal now." [33] This query and answer are highly important: the emphasis upon the temporal adverb, "now", implies the temporary nature of the projected united front, and the retention of the dictatorship of the proletariat as an objective to be realized some time in the future.

The implication, however, needs confirmation, and confirmation was given in the Comintern resolution adopted August 1, 1935: "The Seventh World Congress of the Communist International points out that the transformation of the maturing political crisis into a victorious proletarian revolution depends solely on the strength and influence of the Communist Parties

[32] *Ibid.*

[33] *Ibid.*, p. 126.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

among the broad masses of the proletariat. . . ." [34] The Congress made no attempt to conceal its alarm at the growth of fascism. But through the proper preparation of the masses, achieved by the tactics of the united front, more than prevention of fascism was envisaged; the eventual transformation of the crisis into the proletarian revolution was also intended. As Ercoli explained, it was in the Communists' interests to postpone the decisive struggle until the creation of a single revolutionary party, which would replace the existing dichotomy formed by the Social Democrats and Communists in the working-class movement.

At the Seventh Congress the Social Democrats incurred less scorn and condemnation than they had received seven years previously, at the Sixth Congress. " We stress the need to see the difference between the two camps of Social Democracy ", stated Dimitrov.[35] There was no longer one great body of Social Democratic evil, but two shades of evil—the " left " and the " right " Socialists. The " left " wing, it was asserted, was losing its former collaborationist tendencies and was becoming revolutionary. By favoring the united front tactics, the " left " wing sought to defend and strengthen the movement toward joint action with the Communists. Consequently the closest possible coöperation was urged with the " left " wing of the Socialist parties, which was inclined to resist a " reformist " policy. On the other hand, the reactionary " right " wing was sabotaging and slandering the united front, fearing it would undermine Social Democratic connections with the bourgeois class.[36]

The distinction drawn by the Congress did not, however, abrogate the privilege and duty of constant criticism of the Social Democrats, their " reformist " and " class-collaboration " tendencies. Rather, joint action with the Communists rendered even more necessary serious criticism and exposure of Socialist faults, with a correspondingly active and patient exposition of the principles of communism to the working class.[37]

[34] *VII Congress*, p. 568.

[35] *Ibid.*, p. 176.

[36] *Ibid.*, pp. 176-177.

[37] *Ibid.*, p. 571.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

In view of the long existing and seemingly permanent schism between the two great workers' internationals, the direct remedy sought by the Seventh Congress was of the highest historical significance. The new attitude emphasized not only past ill-success in wooing Socialist workers but also the extremely acute danger felt by the Communists from the rise of Hiltler. Agreements for joint action on everyday, short-term problems were believed to constitute the first essential toward the development of a single party that would represent proletarian interests. The central idea is embodied in Dimitrov's words: ". . . *duality in leadership* impedes the further development and reinforcement of the joint struggle of the working class. The interests of the class struggle of the proletariat and the success of the proletarian revolution make it imperative that there be a *single party of the proletariat* in each country." [38] There is no doubt that the Seventh Congress felt that such a unity might be hastened by the proclaimed "bankruptcy" of social democracy, brought about by the disillusionment of the rank-and-file party members in the fascist nations of Germany and Italy, who were allegedly turning toward the Communists.[39]

The Congress, as if to offset the reaction of the delegates to a short-term program of nonrevolutionary tactics, emphasized the necessity of creating a truly revolutionary party. In this connection, it is necessary to refer to the passage most frequently quoted by Congress speakers, a statement made originally by Stalin in his report of January 26, 1934, to the Seventeenth Congress of the Communist Party of the Soviet Union.

> Some comrades think that, once there is a revolutionary crisis, the bourgeoisie must be in a hopeless position; that its end is therefore predetermined; that all they have to do is to wait for the fall of the bourgeoisie and to draw up victorious resolutions. That is a profound mistake. The victorious revolution never comes of itself. It must be prepared for and won. And only a strong proletarian revolutionary party can prepare for and win victory.[40]

[38] *Ibid.*, p. 188.

[39] "Resolution on the Report of Comrade Dimitrov", *VII Congress*, pp. 573-574.

[40] Stalin, *op. cit.*, p. 481.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

The lack of such a party and the continuance of disunity would be fatal, for in time of crisis the workers might " procrastinate and stray ", might lose the correct path to revolution, and thus come under the axe of fascist executioners.[41] Comintern orators, who always saw two early stages in the revolutionary process—one of common struggle for daily needs and the other of common struggle for the overthrow of governments—always emphasized that the former stage had to be realized first.[42] If war should come, its transformation into civil war would be rendered easier if the working classes had gained experience in less militant, daily activity. In rallying the masses to struggle for daily needs today " lies the guarantee that tomorrow millions of working people will fight with us for revolution and for socialism! " [43] Such was Ercoli's ringing conclusion at the forty-first session. It only remained for the Congress to embody in its resolutions the task of bringing " the majority of the working class under the influence of the Communist Parties and thus ensuring the conditions necessary for the victory of the proletarian revolution." [44]

Political unity, that is, the creation of a single mass party of the working class, required the existence of certain conditions more specific in nature than a mere opposition to fascism. In the first place, the Social Democratic parties and other " reformist " parties would have to be completely free from any form of permanent bloc with the bourgeois parties. This would ensure the strictly proletarian nature of the future united party. The second condition was the prior existence of unity of action —the united front agreement. Thirdly, certain fundamental tenets of bolshevism had to be accepted by all the parties concerned. The other parties must recognize the necessity for the " revolutionary overthrow of the rule of the bourgeoisie " and the establishment of the " dictatorship of the proletariat in the form of soviets." Fourthly, if an imperialist war should break out, no national bourgeois class should be supported by any

[41] *VII Congress*, p. 178.

[42] *Ibid.*, p. 143.

[43] *Ibid.*, p. 198.

[44] *Ibid.*, p. 568.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

proletarian party.[45] Lastly, the new party was to be constructed on the " basis of democratic centralism, which ensures unity of will and action, and which has been created by the experience of the Russian Bolsheviks." [46] These were the conditions put forth by the Comintern for ending the schism in the ranks of the proletariat.

The conditions revealed once again that the goal of revolution, leading to the establishment of the dictatorship of the proletariat, had not been abandoned by the Comintern. The words of the Comintern orators at the Seventh Congress on this point should have dispelled the illusions of those who later blamed or praised the Congress for " abandoning " the program of world revolution.

The highest function of the united front, according to Dimitrov, was to serve as a possible means of transition to the proletarian revolution. " Fifteen years ago," Dimitrov declared, " Lenin called upon us to focus all our attention on ' searching out forms of *transition* or *approach* to the proletarian revolution.' It may be that in a number of countries the *united front government* will prove to be *one* of the most important transitional forms." Moving on to answer possible objections, Dimitrov denounced as " left doctrinaires " those who ignored this Leninist precept and refused to concern themselves with the form of transition to the goals they sought. On the other side were the " right oppositionists ", who were equally at fault in attempting to establish a stage lying between the capitalist order and the dictatorship of the proletariat, for the purpose of creating the illusion of a peaceful parliamentary passage from one order to the other. This was declared to be a deliberate falsification of Lenin, who spoke of a transition to the revolution, not to the dictatorship of the proletariat.[47] Lenin's idea of a

[45] An analysis of the Communist conception of the three types of wars and the rôle of the proletariat in each is presented in T. A. Taracouzio, *War and Peace in Soviet Diplomacy* (New York, 1935), pp. 28-52.

[46] *VII Congress*, pp. 188-189.

[47] " But this piece of swindling was not difficult to expose: for Lenin spoke of the form of transition and approach to the ' proletarian revolution,' that is, to the overthrow of the bourgeois dictatorship, and *not* of some transitional form *between* the bourgeois and the proletarian dictatorship.", *VII Congress*, p. 178.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

transitional stage to the revolution retained the concept of the revolution as a necessary step toward the dictatorship of the proletariat, while the view of the " right oppositionists " implied that revolution was not actually necessary.

Why, Dimitrov asked, had Lenin attached so much importance to the form of transition? Simply because Lenin had in mind " the fundamental law of all great revolutions "—that propaganda and agitation by themselves could not take the place of the personal political experience of the masses, who must be attracted to the side of the Communists if the struggle for power were to be successful. No crisis, Dimitrov asserted, would deliver victory to the proletariat merely upon the call of the Communists to insurrection. The transition forms, such as the united front, were necessary to teach the masses what they must do and to instill in them confidence in their own ability. Otherwise a crisis might not be met successfully.[48]

The most important achievement envisaged as resulting directly from the united front policy was the possible formation of a government of the united front. A government of this type would come into being on the very eve of the proletarian revolution; it would be primarily a " government of struggle against fascism and reaction." [49] The resolutions of the Congress ordered the sections of the International, if possible, " to create a *proletarian united front government,* or an *anti-fascist people's front government,* which is not yet a government of the proletarian dictatorship. . . ." [50]

Before such a government could be formed, certain objective conditions had to exist to assure its success. The state apparatus of the bourgeoisie had to be disorganized to such a degree that it could not offer resistance to its own overthrow. The working people must have reached a stage of active revolt against fascism, though they would not yet be ready to rise under Communist leadership " for the achievement of Soviet power." Among the Social Democrats a radical wing, opposed to the more conservative sections of their party, must have reached

[48] *VII Congress,* pp. 178-179. See also Thorez' comments, p. 218.

[49] Report of Dimitrov on the tasks of the working class, *ibid.*, p. 174.

[50] " Resolution on the Report of Comrade Dimitrov ", *ibid.*, p. 579.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

the stage of demanding "ruthless measures against fascists and other reactionaries." [51]

A fine distinction which Dimitrov drew between a "workers' government" of the Social Democrats and the united front government received the special attention of the Congress. Dimitrov regarded a workers' government of the Social Democrats as an instrument of class collaboration with the bourgeoisie in the interests of the preservation of the capitalist order; the united front governments were also to be instruments of collaboration, but "collaboration of the revolutionary vanguard of the proletariat with other anti-fascist parties in the interests of the entire working populace. . . ." [52]

The united front from above was, in the view of the Comintern, an attempt to preserve the revolutionary process at a time when the counterforces imperiling it seemed well-nigh unbeatable. To hasty commentators, it meant the abandonment of revolution as a policy of the Comintern and of the Soviet Union. To some critics on the Left it represented a compromise of principles. From a fresh study of the speeches of the Congress and of its resolutions, it appears clear that the tactics recommended involved no compromise of fundamental principles. The Comintern spokesmen stressed two basic forces of revolution: the U.S.S.R. and the international working masses. The one had to be preserved as a sovereign entity of enormous physical strength; the other had to be given time and the experience of common struggle to prepare for the successful issue of the great battles foreseen in the future.

The contribution of the U.S.S.R. to the cause of proletarian revolution apparently was to be made in several ways. First and foremost, because of its past experience and its success in achieving the "victory of socialism", the Soviet state was depicted as the "inspirer of world revolution". The Congress repeatedly emphasized the importance of the successful growth of the Soviet régime in a hostile environment, an achievement which could not fail to attract the toiling masses to follow the

[51] Report of Dimitrov on the tasks of the working class, *VII Congress*, pp. 174-175.

[52] *Ibid.*, p. 149.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

example of the U.S.S.R. "As a result of the victory of socialism in the Soviet Union," Pieck declared, "the idea of storming the citadel of capitalism is rapidly maturing in the minds of the masses." [53]

The Congress rejected the idea of peaceful evolution toward socialism. Under the impact of the great achievements of socialist construction within the "fatherland of the proletariat",

> . . . the whole system of views, the whole world outlook of the masses of the working people, who only recently had still believed in the "unshakeable" firmness of capitalist and bourgeois democracy, and in the possibility of a peaceful evolution to socialism, without revolution and war, began to collapse. The ideological basis upon which the program and tactics of the reformist parties had been based was caving in.[54]

Pollitt, of the British party, expressed the same idea more specifically when he declared that "the revolutionary way was the only way." The Communist party, he asserted, "does not believe that socialism can be achieved through Parliament." [55]

The model of the revolutionary process and of socialist construction was, of course, found in the Soviet Union. By its own example, the U.S.S.R. was teaching the foreign proletariat the business of struggle. "It intensifies the general crisis of capitalism", declared Thorez, "and makes it more profound. It is a mighty lever of the proletarian revolution throughout the world." [56]

Not only did the Soviet Union aid the cause of proletarian revolution through its great prestige; it also stood forth, declared the Comintern orators, in all its great economic and military power amid a "chaotic" capitalist world. Nor was the material strength of the Soviet Union a thing divorced from the international proletariat. Manuil'skii [57] assured the delegates that the socialist factories and the collective farm fields of the

[53] "Report of Activities of the E.C.C.I.", *Report of the Seventh World Congress of the Communist International* (London, 1936), p. 2.

[54] *VII Congress*, p. 41.

[55] *Ibid.*, p. 13. [56] *Ibid.*, p. 197.

[57] Now Foreign Minister of the Ukrainian Soviet Socialist Republic.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Soviet Union belonged not only to the peoples of the U.S.S.R. but also to the working people of the whole world.[58] The attempt to create in the working class outside the U.S.S.R. the effect of part ownership, of holding stock in the Soviet Union, was but another link in the chain of identity of interests.

The position which Stalin had achieved by 1935 in the eyes of the Comintern was as uncontested as his position in the U.S.S.R. In 1928, at the Sixth Congress, Stalin had received no ovations, and his name had been mentioned barely a dozen times.[59] In 1935 practically every speech expressed deference to Stalin. The frequent and tremendous ovations he now received bore witness to the changes that had taken place since 1924, when Zinoviev had been elected chairman of the Comintern Executive Committee "amid applause which lasted for several minutes."[60]

Stalin's position as leader was abundantly illustrated. Pieck extended a "most fervent" greeting "to the leader of all working people fighting for socialism throughout the world, our Comrade Stalin."[61] In the same vein, Manuil'skii pointed out the practical results of Stalin's leadership in Russia, which had been transformed into "a mighty base for the world proletarian revolution." "This great achievement", the Russian delegate affirmed, "is the result of Stalin's policy of remaining loyal to the end to the cause of proletarian internationalism."[62] As the teacher of the Comintern at both the theoretical and practical levels, Stalin, who was a Soviet delegate to the Congress and was reëlected by it to the Executive Committee of the Comintern, stood in the eyes of his fellow delegates at the very apex of the world revolutionary movement.[63]

58 *VII Congress*, p. 64.

59 *Cf.* "Personenregister", *Protokoll des sechsten Weltkongress der Kommunistischen Internazionale* (Berlin, 1928).

60 *Fifth Congress of the Communist International* (London, 1924), p. 277.

61 *VII Congress*, p. 1. 62 *Ibid.*, p. 543.

63 In later years, Manuil'skii declared that "not one document of big international significance was issued by the Communist International without the most active participation of Comrade Stalin in its composition." Quoted in *Blueprint for World Conquest, as Outlined by the Communist International* (Washington, 1946), p. 7.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Upon the outbreak of war the Red Army would of course be prepared to defend the Soviet Union. The moot point is the extent of its possible activity on behalf of the foreign proletariat in revolutionary struggle. The nature of the Soviet Army was international. "The Red Army . . .", declared Dimitrov, "guards our socialist fatherland, the fortress of the world proletarian revolution. Connected by inseparable bonds of fraternal solidarity with all the oppressed, with all the exploited, with all the peoples of the earth, it is the genuine vanguard against imperialist wars." [64] The alliance of the Red Army with the foreign proletariat was a "force which no one will ever be able to conquer." [65]

In spite of emphasis on the international ties of the Soviet Army, there was no mention of an offensive and active rôle to be played by it in behalf of the working classes of other nations. Silence on this point was in consonance with the avowed Soviet policy of peace. If the Red Army was to help establish the dictatorship of the proletariat in lands beyond the Soviet border, this factor, presumably, would come into play only after the U.S.S.R. had been attacked. Even this counteroffensive rôle is not presented in the reports of the Congress.

However, something further as to the possible rôle of Soviet military force in revolutionary conflicts abroad could have been inferred from the emphasis of the Congress on violent revolutions yet to occur in foreign countries, and on the class unity of the Red Army with the foreign proletariat in the revolutionary cause. The Congress provided the bases for significant inferences of this kind. But if the Communist parties had drawn such inferences openly in 1935, this might have threatened the current system of Soviet military alliances against Germany, and might possibly have also increased the danger of a German attack on the U.S.S.R.

If the stated nature of the duties of the U.S.S.R. in furthering the cause of revolution remained somewhat nebulous, the various non-Soviet sections of the Comintern were assigned precise tasks requiring the rendering of assistance to the "proletarian father-

[64] *VII Congress*, p. 519.

[65] *Ibid.*, p. 399.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

land ". Traditionally, the foreign proletariat was credited with great, perhaps decisive, assistance in the upbuilding of the Soviet Union. In his speech of 1931 to the First All-Union Conference of Managers of Socialist Industry, Stalin had attributed the preservation and growing strength of the Soviet state not only to its own people, but also to the working classes of the world. " Without this support," he had declared, " we would have been torn to pieces long ago." [66] The theme of the Soviet debt to the working class was taken up at the Seventh Congress, but in somewhat milder tones. The victory of socialism, Manuil'skii declared, had been won in the U.S.S.R. " with the active solidarity of the proletariat of the whole world." [67] The working class had been and was a reliable ally.

In addition to outlining in detail the tactics, aims and limitations of the united front as a political weapon, the spokesmen of the Congress continually emphasized even more strongly the duty of defending the Soviet Union. André Marty spoke for the Congress as a whole when he declared:

> As for us, who represent here the best of the working people of the whole world, to-night we renew our solemn oath to work with all our strength and shrink from no sacrifice for the defense and the victory of the Soviet Union. We shall defend the work of Lenin, the work of Stalin . . . as the most precious treasure of the international proletariat and of all mankind.[68]

Maurice Thorez also promised that the Communist party of France would come to the aid of the U.S.S.R. " in every way " if the latter were the victim of an aggressive war.[69] Delegates from other nations similarly pledged their parties to utmost sacrifices both in peace and in war, for the sake of preserving the Soviet state. The loss of the U.S.S.R. would plunge the revolutionary movement into a new " dark age ", whereas its continued existence and growth were the most important factors for ultimate victory on a world-wide scale.

[66] Stalin, *op. cit.*, p. 366.

[67] *VII Congress*, p. 500.

[68] *Ibid.*, p. 12.

[69] *Ibid.*, p. 228.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

The Congress made the same pledges in the name of the working class. Behind each appeal lay the doctrine of identity of interests. "The defense of the Soviet Union", said Marty, "is the defense of the proletariat's future, of its very life."[70]

Such an appeal to alleged self-interest was included also in the Comintern attempt to attract the "allies" of the proletariat to the defense of the Soviet Union. The Communist proletarians were not alone in the fight, asserted Thorez. The best of the intelligentsia, the best artists, the greatest scientists in the world —all were moving toward "the fatherland of socialism".[71] The intelligentsia, in Thorez' opinion, had come to realize that an eclipse of the Soviet Union would mean darkness throughout the world and that the only salvation for civilization lay in the Soviet Union.

Yet the emphasis was always placed largely upon the proletariat as the class which could be relied upon to support the Soviet Union in a world war. In the gigantic struggle which was impending, the two forces of proletarian revolution, Soviet power and the foreign Communist parties, would join hands in a tremendous effort to put an end to capitalism and capitalist aggression. As soon as the war began, the grand alliance would swing into operation. The resolution outlining the tasks of the Comintern in the event of war declared:

> If the commencement of a counter-revolutionary war forces the Soviet Union to set the Workers' and Peasant Army in motion for the defense of socialism, the Communists will call upon all toilers *to work, with all the means at their disposal and at any price, for the victory of the Red Army over the armies of the imperialists.*[72]

Such was the directive to the international proletariat.

For the present, the international proletariat was to follow the Communists into united fronts and people's fronts. Such action, though greatly emphasized, never obliterated the final, ultimate, revolutionary goal of the proletariat. "Only the

[70] *Ibid.*, p. 469.

[71] *Ibid.*, p. 97.

[72] *Ibid.*, p. 595.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

proletarian revolution can avert the destruction of culture and raise it to its highest flowering as a truly national culture," according to Dimitrov, who added that this could be achieved " only in closest alliance with the victorious proletariat of the great Soviet Union." [73]

Events since the Seventh Congress have exemplified the enduring efficacy of the Comintern program of 1935. The hegemony of the Soviet party in the organized communist movement, the unique rôle of the Soviet Union in leading the world proletariat, the insistence that revolution and the building of socialism in any country can be brought about only in closest coöperation with the Soviet Union and under its guidance, were beyond challenge at the Seventh Congress. This doctrine was not subjected to serious strain until Communist or Communist-dominated régimes came to power in a number of countries, beginning with the Soviet advance across Eastern Europe in 1944-1945.

During this time the rôle of the Soviet Army has emerged more clearly. In 1935 it was regarded as an ally of the international proletariat, although the duty of the latter to defend the Soviet Union was stated with far greater precision. Since the founding of the Cominform, and especially since the public rupture between the Soviet and Yugoslav Communist parties, Soviet leaders have been prone to emphasize their army as an important factor in the establishment of " people's democracies " in Eastern Europe. Though not historically the first occasion on which the U.S.S.R. has utilized her armed strength under favorable circumstances to assist in the establishment of friendly régimes, the military advance in 1944-1945 has been given sharp significance by the Soviet leaders themselves. In the exchange of notes between the Soviet and Yugoslav parties in the spring of 1948, the Central Committee of the Soviet Communist party made clear its view that the Soviet Army was the decisive factor in creating " the conditions which were necessary for the C P Y [74] to achieve power. Unfortunately the Soviet army did not and could not render such assistance to the French

[73] *Ibid.*, p. 183.

[74] Communist party of Yugoslavia.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

and Italian C P's." [75] In this respect, the somewhat vague implications of the endorsement, in the 1935 Congress, of Soviet hegemony have been given a concrete, not to say, stark, "application".

Other points of the 1935 program also remain in full force today. Defense of the U.S.S.R., as the best immediate means of ensuring the future victory of proletarian revolution, remains the highest present duty of the international proletariat. This duty has recently been reasserted in dramatic form by Communist leaders everywhere during the struggle over the Atlantic Pact. In the various "anti-fascist" front governments that arose in Eastern Europe after 1944, the Communists followed meticulously the program set forth by the 1935 Congress by concentrating in their hands the critical centers of power, by disrupting and then destroying the parties allied with them, and then absorbing, on Communist terms, the membership of the various Social Democratic parties, preparatory to establishing a "monolithic" régime under the sole control of a Communist Politbureau. Moreover, the doctrine of Soviet hegemony was somewhat clarified when the Tito régime claimed, in 1948, the right to apply communist doctrine to concrete action in terms of its own judgment and rejected the Soviet attempt to give "organizational form" to the doctrine of Soviet hegemony through establishing its own intelligence and control within the individual organs of the Yugoslav state, party and army. Insistence upon the doctrine of Soviet leadership as sacrosanct has led logically to the expulsion of the Yugoslav Communist party, which has now become "fascist" because of its refusal to accept Soviet hegemony. Viewed in the perspective of post-war developments, the Comintern Congress of 1935 did not represent, as has often been asserted, a sharp deviation from earlier and later communist "orthodoxy". Its definitions of united front and people's front governments received their full applications in the 1940's, and there was likewise made clear the concrete meaning of the insistence upon the hegemony of the C.P.S.U. (B.) within the international movement.

[75] *The Soviet-Yugoslav Dispute* (London, 1948), p. 51.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

A fresh analysis of the published records of the Seventh Comintern Congress makes it clear that the milder tone of the united front tactics in nowise involved a deviation from orthodox communist goals of proletarian world revolution and dictatorship of the proletariat. The underlying theme which gave unity to various tactics was that of the indissoluble harmony of interests between the Soviet state and the international class. The Soviet leadership was teacher, guide, inspirer; and in ways which, for obvious reasons, were not spelled out in 1935, its material strength belonged to all "toilers". The proletariats organized by the Communist parties abroad were the defenders, allies and followers of the Soviet leadership, and the highest allegiance of the foreign proletariat belonged to the Soviet Union. Its international allies were the defenders of the revolution already achieved in Russia; the Soviet state was the inspiration and ally for the revolutions to come. In its program of 1935 the Comintern set forth the basic lines not only for the "popular front" tactics of 1934-1939, but also for the struggle of the 1940's for "people's democracy" as a new form of the dictatorship of the proletariat.[76]

KERMIT E. MCKENZIE

NEW YORK CITY

[76] "Embodying the rule of the toilers under the leadership of the working class, the people's democracy . . . can and must successfully perform its functions of proletarian dictatorship for the liquidation of the capitalist elements and the organization of a socialist economy." "Report of Dimitrov at the Fifth Congress of the Bulgarian Communist Party, 19 December 1948", *Free Bulgaria*, IV (January 1, 1949), 6.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

THE COURSE OF PEONAGE IN A SLAVE STATE *

AT no time in our history since the Civil War have the American people been as sensitive to the shadowland between freedom and slavery as they are at the present day. Recent prosecutions for violations of the Thirteenth Amendment,[1] revelations of sporadic cases of peonage and foreign contract labor,[2] and exposés of the continued perversion of tenant farming into a form of debt bondage constitute evidence, however minimal, that freedom demands unceasing vigilance. If by proper example we are to maintain our position of world leadership among the democracies and at the same time strive to contain successfully a competing ideology disseminated from an area supported by forced labor we must accept responsibility for preserving and enlarging the orbit of freedom at home. We ought to know how much freedom we have, how much freedom we want, and the processes, both legal and economic, by which freedom was achieved in this country.

It is an historical commonplace that the formal abolition of slavery did not bring complete freedom but rather various forms of coercive labor practices as substitutes for the sup-

* This study is a segment of a broader investigation into the nature of labor controls in the slave states made possible by a grant from the American Philosophical Society. I am under special obligation to my colleague, Professor William Linn Westermann, for invaluable suggestions in the preparation of this article.

[1] For some very recent instances, see *New York Times*, February 26, March 20, July 20, 30, August 24, 1947—the case against Mr. and Mrs. A. W. Ingalls (the wife was convicted of enslaving a maidservant; the husband acquitted); also *ibid.*, August 29, 1948; *New Leader*, August 13, 1949.

[2] "Report on Legal and Illegal Forms of Forced Labor in the United States", presented to the *Ad Hoc* Committee on Slavery, Economic and Social Council of the United Nations, prepared by Rowland Watts, National Secretary, Workers Defense League; *New York Times*, March 3, 1950. But *cf. New Leader*, March 18, 1950. For recent evidence of peonage in the turpentine camps of Florida, see File No. 716-S, Workers Defense League. For exploitation of Mexican "wetbacks", see *New York Times*, March 28, 1950; of West Indian contract labor, *ibid.*, April 4, 1950.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

planted institution.[3] One such system, that of peonage, a compulsory labor service founded upon a debt relationship, is generally considered to have been Mexican in origin, infiltrating into the United States by way of the territory of New Mexico.[4] Actually, the only novelty that came out of Mexico was the term "peon", for the system of peonage goes back along the North Atlantic seaboard to the early colonial period and demonstrated surprising vitality in ante-bellum days.

In the traditional accounts of labor in the Old South, slavery has been treated as the sole form of compulsory labor in operation in the ante-bellum slave states. This widely held view ignores the very considerable amount of white servitude that was perpetuated in the states clinging to the institution of slavery.[5] A very good illustration is Delaware, a borderland slave state which failed to abolish that institution before the Civil War. Since Negro labor was insufficient to supply the demand for farm hands in Delaware, both white and Negro peonage demonstrated a degree of persistence perhaps unequaled in the remaining original states. On reflection, the presence of Negro peonage in Delaware should cause no great surprise, for, while the momentum toward freedom for the Negro was much more perceptible there than in Maryland, the mobility of the free person of color was seriously circumscribed. He was deprived of the franchise and accorded only a limited number of civil rights, notably in the field of property.[6] A state which consigned free

[3] See G. K. Holmes, "Peons of the South", *Annals of the American Academy of Political and Social Science*, IV (1893), 66, 67. For a recent case, see New York *Herald Tribune*, September 10, 1949.

[4] This view was probably first expounded in Jaremulo v. Romero, 1 N. M. 190 (1857). It gained support from the fact that Mexican peonage was sanctioned by territorial legislation, notably section 2 of the Territorial Act of 1852, which authorized the sheriff to sell a servant to the highest bidder to pay a debt owing to his master. See also W. H. Huff, "Peonage or Debt Slavery in the Land of the Free", *National Bar Journal*, III (1945), 43-49.

[5] R. B. Morris, "Labor Controls in Maryland in the Nineteenth Century", *Journal of Southern History*, XIV (1948), 385-400; "White Bondage in Ante-Bellum South Carolina", *South Carolina Historical and Genealogical Magazine*, XLIX (1948), 191-207.

[6] Henry Wilson, *History of the Rise and Fall of the Slave Power in America* (3 vols., Boston, 1872-77), II, 183. For criticism of the Delaware slave code as being as severe as that of Maryland, see *Pennsylvania Freeman*, June 27, 1839.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Negroes to a status of intermediate servitude in ante-bellum days and which employed the devices of apprenticeship and indentured servitude to maintain control over manumitted Negroes might reasonably be expected to hold on to its colonial peonage practices rather stubbornly. In truth, there existed in Delaware a greater degree of bondage than is indicated by the census statistics of slavery upon which Ulrich B. Phillips chiefly relied for his cursory account of that state.[7]

The survival of white peonage is not inconsistent with a law code in force at the time of the Civil War empowering immigrants over twenty-one to bind themselves by indenture as apprentices for terms not exceeding five years.[8] While by that late date voluntary adult apprenticeship seems to have been the exception, the survival of this type of colonial redemptioner legislation bespeaks the willingness of the lawmakers of Delaware to use bound workers, both voluntary and compulsory, to supplement the available supply of Negro labor. Indentures on file with the Public Archives Commission at Dover raise a suspicion that, at least in the cases of some white children, apprenticeship was merely a device for cheap labor exploitation. An even clearer example of disguised indentured servitude was Negro apprenticeship, which lacked the proper educational safeguards generally observed in binding out white children.[9]

The very years that witnessed the gradual obsolescence of slavery in Delaware found free Negroes forced to accept the emaciated remnants of freedom and the institution of servitude displaying unusual hardihood in survival. Debt bondage flourished in Delaware even in the teeth of a strong movement under working-class and debtor sponsorship to abolish imprison-

[7] U. B. Phillips, *American Negro Slavery* (New York, 1918), p. 121.

[8] *Delaware Laws* (1852), p. 490. The act of 1829 provided that the emigrant could be bound as a servant or apprentice only by deed executed in the presence of a justice of the peace or a trustee of the poor and recorded, in the county wherein the master resided, in the book of indentures of apprenticeship and servitude. Such recording would have to take place within thirty days, or else the binding would be void. *Ibid.* (1829), pp. 305, 306. *Del. Rev. Stat.* (1915), § 3120, par. 20, still authorized the binding out of immigrants.

[9] Delaware Apprenticeship Indentures, 1760-1850 [hereafter cited as Indentures], and Delaware Petitions of Servants and Slaves, 1779-1844 [hereafter cited as Petitions], Public Archives Commission, Dover.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

ment for debt and to enact mechanics' lien laws. These reforms were badly needed. A review of the labor legislation of that state prior to 1829 provides considerable support for the charge of the Association of Working People of New Castle County in that year that " the poor have no laws; the laws are made by the rich and of course for the rich." [10] Although the movement for debt reform reached its climax in 1841, when a statute was enacted providing that no execution was to issue upon the body of a free white citizen of Delaware in a civil action for the non-performance of a decree for the payment of money,[11] Negroes were still subject to imprisonment for debt before the Civil War.[12]

In fact, the emphasis given by historians to the movement in the nineteenth century for the abolition of imprisonment for debt has served to obscure the persistence of peonage in Delaware, among other states, down to a very recent period. In colonial times one way of paying off a debt was by binding one's self to a term of service, either directly to the creditor, or to some other employer, who would reimburse the creditor for the market value of the term of service purchased.[13] During the first few decades of the nineteenth century white debtors still took advantage of the insolvency laws, which authorized servitude as a legal alternative to imprisonment.[14] One illustration

[10] (New York) *Free Enquirer*, October 27, 1829.

[11] *Del. Laws* (1843), IX, 423, 424. Imprisonment was not abolished in the case of fraudulent debtors, those about to leave the state, and alimony debtors. Relief from imprisonment for debt had been granted on individual petitions in extreme circumstances long before these enactments. See, for example, Dowers' petition, Petitions (*1779*). For the survival of a rather severe foreign attachment procedure rooted in colonial legislation and the custom of London, see Ownbey v. Morgan, *256* U. S. 94 (1921); R. B. Morris, ed., *Select Cases of the Mayor's Court of New York, 1674-1784* (Washington, 1935), p. 20n.

[12] *Del. Laws* (1861), p. 151, and *infra*, p. 243. See also R. G. Caldwell, " Penology in Delaware ", in *Delaware: A History of the First State*, edited by H. Clay Reed (New York, 1947), II, 859.

[13] R. B. Morris, *Government and Labor in Early America* (New York, 1946), pp. 354-363.

[14] *Del. Laws* (1797), I, 208 (1739); IV, 215 (1808). A seven-year time limit on the servitude into which debtors might be sold was found in the colonial act, but no limit for ordinary debtors was included in the law of 1808.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

should suffice. In 1813 Jacob Allen bound himself as a servant to John Wiltbank for a term of two years, two months, and fourteen days to pay a sum of $62 due from him to Samuel Taylor on two executions. He was to serve his master at the rate of four dollars per month until he satisfied the debt, obliged himself to obedience and constant attendance at work in accordance with customary apprenticeship stipulations, and agreed to serve his employer four days for every day's unauthorized absence. In turn, the master agreed to provide him with maintenance and lodging. Allen, who signed with a mark, consented in an endorsement, dated two years later, to Wiltbank's assigning him to Jacob Furber, and the justice approved Wiltbank's "selling" the term of servitude.[15]

Such was the law until 1827, when the legislature passed a tricky modification providing that

> if any creditor shall insist and the court shall be of opinion, that according to the circumstances and equity of the case the petitioner ought to make satisfaction to his creditors by servitude, he shall be remanded unless he shall in writing under his hand endorsed on his petition declare his consent to be adjudged to serve his creditors for such wages, as the court will allow, to satisfy the debts due from him; *but this consent shall not be required from any female nor from any white man.*[16]

Under the operation of this law numerous instances of debt servitude by Negro males arose. Fathers sold sons into servitude to satisfy their creditors. For example, in 1827, Cyrus Summers, a free Negro, bound his son Thomas, aged four, for a seventeen-year term as a servant. Thomas was to be compensated in the amount of $10.54 for his time. A sum of $4.46 had already been received in satisfaction of an execution.[17] In

[15] Indentures (1813).

[16] The court could adjudge the debtor to serve his creditors for certain monthly wages to satisfy his debts. *Del. Laws* (1829), pp. 307, 308. Priority of creditors' rights to service was to be determined according to the dates of the judgments and recognizances. Any creditor having had a debtor in his service for three days without adverse claim was authorized to hold him, without becoming responsible to another creditor, until his debt was satisfied according to the terms of the judgment. *Ibid.*, p. 311.

[17] Indentures (1827).

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

the same year William Clayton was bound for the term of one year or until $88.80 was paid to satisfy a claim against his father, John Clayton, Jr.[18] In 1829 James Atkins, a free Negro, aged ten, was bound by his father to service at farming in return for fifty-five bushels of grain which the farmer paid his father in addition to his paying off one of the father's debts amounting to "about $60".[19]

The heart-rending obstacles which stood between Negroes and their freedom are well illustrated by the situation of Harry Wilson, who bought his wife and, subsequently, in 1826, his own son, then held in slavery until twenty-five years of age. After completing this transaction he became indebted to a Dr. S. K. Wilson in the trivial sum of $20, and, in order to pay this debt, he sold the son to the physician in 1829, assigning the bill of sale he had obtained from the boy's previous master.[20] Male free Negroes continued to be subjected to debt servitude throughout the ante-bellum period,[21] but, save for a probable exception in 1828,[22] the law of the previous year exempting white debtors as well as free Negresses from servitude seems to have been universally observed in the state.

Soon other forms of debt servitude for both races were to prove more persistent and, in volume, more significant. Delaware, perhaps to an extent unmatched by any other American state, utilized servitude both as a device to control the labor market and as a part of its penology program. First and fore-

[18] *Ibid.*

[19] *Ibid.* (1829).

[20] When Dr. Wilson died, his executor assigned the boy to a man named Waples. Having attained the age of 18 in 1840, the lad secured his freedom by court decree. Henry Wilson, Negro v. Waples, 3 Harrington 270 (1840).

[21] For instance, when, in 1841, William Hooper, an insolvent Negro, applied to be discharged from imprisonment, the court declared that, apart from any fraud, it would, on a proper case appearing, adjudge him to serve his creditors. Hooper's Case, 3 Harrington 320 (1841).

[22] Benniah Eaton, not specifically designated a Negro as was customary in binding out free persons of color, was bound in 1828 for a term slightly under six years, until he reached 21, to work at farming in consideration of his employer's paying to David Riggs $48 at the request of Eaton's father and an additional $12 to the father. The endorsement records the receipt of the note for $48, and the indentures were canceled by mutual agreement in 1831. Indentures (1828).

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

most to feel the impact of these labor controls was the free Negro. A law provided that idle and vagabond free Negroes and free mulattoes might be "compulsorily hired out to service" by a justice of the peace for the residue of the then current year. The purchaser of the contract was to have all the rights and powers of a master and was to secure for the servant wages payable monthly by a judgment note executed and delivered to him with surety approved by the justices. If the note was not paid at the end of each month, the obligation to service was to terminate and the Negro was to be given liberty to leave his master. But, as in other cases of indentured servitude, the servant, in turn, could be required by the justice to make due compensation for unauthorized absenteeism, in this case by deductions from the note.[23] Even before the enactment of this statute a Negro who was likely to be chargeable to the county was bound out to service;[24] and for a brief period a nonresident free Negro, unable to produce evidence of his freedom and good character, would, if unable to pay a fine of $30 imposed for coming into Delaware, be sold by the sheriff as a servant for a term not exceeding seven years.[25] This last law was revived and stiffened in 1851, when the legislature provided that any free Negro or mulatto coming into the state would be subject to a fine of $60, and, in the event of nonpayment and failure of security to leave the state in five days, would be sold out of the state to cover the fine and costs.[26] In addition, the trustees of the poor were empowered to bind out by indenture any female Negro or mulatto pauper who was delivered of a bastard child in their almshouse for such period not to exceed

[23] *Del. Laws* (1852), p. 490.

[24] See articles of Rachel Blackiston, 24, bound, "in consideration of her being in pregnant state and likely to be Chargeable to the County," to a free Negro, Samuel Goldbury, for a two-year term as a servant. Goldbury agreed to keep her child during the period. Indentures (1828).

[25] *Del. Laws* (1816), IV, 108 (1807); repealed, *ibid.*, p. 221 (1808).

[26] This also applied, with certain exceptions, to free Negroes who left the state for sixty days and then sought to return. The law attracted attention in the lower South, as it was in complete accord with Southern attitudes toward the free Negro population. See *Mississippi Palladium* (Holly Springs, Miss.), April 25, 1851. For the enforcement of the act, see *Pennsylvania Freeman,* February 19, 1852.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

three years as might be necessary to compensate them for maintenance.[27]

Only recently the press gave considerable attention to the story of the two Vermont ex-GI's who were sent to jail on their failure to satisfy a judgment in tort following a traffic accident.[28] Something quite analogous obtained in ante-bellum Delaware, where an important form of debt servitude arose from the judicial practice of imposing servitude in satisfaction of monetary sums included in criminal sentences. This form of peonage, colonial in origin,[29] had by the early nineteenth century become a well-entrenched Delaware institution, and should not be confused with the convict lease system, still on the threshold of expansion in the slave states on the eve of the Civil War.[30] An act of 1808 declared that persons convicted at the sessions, and unable to pay costs of prosecution, fines and fees, might be disposed of by the sheriff as servants, without any limitation of time.[31] The act of 1826, which systematically organized the criminal code and abolished benefit of clergy without making any distinction as to race, provided that a convict who was unable to pay the restitution money adjudged by the court or the fine and costs was to be disposed of as a servant to any person residing in the state for the highest sum obtainable for such time as should be necessary to raise the amount to

[27] *Del. Rev. Stat.* (1874), p. 234 (1852); *ibid.* (1893), p. 374 (1893). This provision may be compared with the practice which obtained in South Carolina of selling putative fathers defaulting on their obligations to support their illegitimate offspring (R. B. Morris, *South Carolina Historical and Genealogical Magazine, loc. cit.*, p. 201), and with the binding out, in North Carolina down to 1939, of such defaulting fathers at prices fixed by the court. *North Carolina Code* (1935), § 276; still maintained despite the revision of the law relating to illegitimate children in Public Laws of 1933, ch. 228; eliminated in *N. C. Code* (1939), § 226.

[28] *New York Times*, December 23, 1949.

[29] Morris, *Government and Labor*, pp. 345-353. In colonial Delaware, for example, free Negroes convicted of assault and battery and unable to pay a fine ranging from £5 to £10 could be sold for terms up to four years; white servants, for the same offense, could have their terms extended not over six months. *Del. Laws* (1843), I, 305-307 (1752).

[30] F. M. Green, ed., *Essays in Southern History* (Chapel Hill, 1949), pp. 113, 115; Blake McKelvey, *American Prisons: A Study in American Social History prior to 1915* (Chicago, 1936), p. 172.

[31] *Del. Laws* (1816), IV, 215 (1808).

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

satisfy restitution money, fine or costs, or the balance remaining unpaid by the convict, provided such term should not exceed *seven years*. Upon the purchasers were conferred "all the rights, power and authority of a master or mistress over such a servant," including the right to sell or assign him and to transport him out of the state except where the sentence of the court specifically provided that the servant was to be disposed of to a resident of the state.[32]

This statute made no distinction between Negro and white offenders, and for roughly a decade both races enjoyed equality under peonage. Then, in 1837, an act was passed authorizing the sale into servitude for a year of persons convicted of assault and battery who could not pay their fines and costs. This act specified that white offenders might be discharged if unable to pay. Two years later the same indulgence was granted to all impecunious white offenders under the act of 1827. Instead of compulsory service for terms up to seven years, white convicts could be detained in prison thereafter up to a maximum of three months.[33] For free Negro convicts compulsory servitude lasted until after the Civil War.[34]

Despite the fact that the statutory provision impliedly confined the obligation of servitude to persons tried and convicted of felony, there is some evidence indicating that it was invoked even in the absence of conviction or in the face of a pardon. A few examples will illustrate the potentialities for abuse inherent in the system where prisoners were awaiting trial or

[32] *Del. Laws* (1829), pp. 143-147. The statute required ten days' notice before "the day of disposal" and obligated the sheriff or coroner to make a return of such persons so disposed and of the sum obtained. The property of the person disposed of as a servant was liable for any balance of the judgment after application of the money raised by his sale. The penalty for exporting such a servant out of the state or assigning him with that intent was $500, the servant in that event to be "enfranchised and become and be free and absolutely discharged from such servitude." But the Supreme Court or court of common pleas in the county in which the servant was held was given the power, "upon a proper case made," to issue license to the master to export him out of the state, as in the case of slaves. *Ibid.*, pp. 148, 149.

[33] *Del. Laws* (1843), IX, 63 (1837), 256 (1839).

[34] See *infra*, p. 260. In larceny, they were subject to sale henceforth for not less than two nor more than seven years; in assault and battery, their terms were not to exceed one year.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

receiving pardons. In December 1795, Samuel Legg petitioned that he had been committed to the public gaol on suspicion of felony and that no one appeared to prosecute him. Protesting his innocence, he requested the court to grant an order to the sheriff " to dispose of him at public Sale on the best Terms he can for the purpose of paying his Gaol fees and other Charges, or Such Other Relief as the Law Directs." [35] In another instance the petitioner complained that he had " been languishing in prison for more than seven months under a conviction of Fellony, the punishment of which has been remitted by his Excellency the Governor." In addition to release from confinement, he asked to be sold to satisfy costs for a term not exceeding seven years.[36] For free Negroes held under suspicion without being brought to trial, servitude offered the only avenue to freedom. Let us, for example, consider the predicament of Caesar Collick who stated in a petition dated December 7, 1795, that he had been confined to the public gaol since June 2 on suspicion of having murdered his master, Elijah Harman, a free Negro, and also of being a runaway servant. Asserting that the murder charge was " false and unfounded ", and that no person had appeared to prosecute him or to request that he be carried to Pennsylvania in order to press a claim against him as a runaway servant, he had no alternative available but to request that he be sold by the sheriff to pay his gaol fees.[37]

Since the majority of both white and Negro servants sold prior to 1839 were prisoners convicted of larceny, it would be useful to review the history of the punishment for that offense in Delaware. In the venerable nursery jingle the knave of hearts who stole the tarts returned the pastry, received a cudgeling, and was let off when he vowed he'd steal no more. In early American courts such knaves did not fare as well; for, in many of the colonies, Delaware included, larceny was punished by corporal punishment, and, in addition, multiple restitution of the amount of the goods stolen was required, a penalty far more humane than that meted out in contemporary England. If the

[35] Legg signed with a mark.

[36] Petition of Henry Hudson, Petitions (1799).

[37] Collick signed with a mark. Petitions (1795).

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

prisoner was unable to make such restitution he was normally bound out to service by the colonial courts, and thus fell into the same category as the judgment debtor.[38] These early laws, with a minor exception,[39] did not discriminate against Negroes. Such discrimination was, however, introduced in Delaware in 1807 by a servitude law which provided that free Negroes convicted of larceny might be sold, to make fourfold restitution and pay costs, to persons within the state for terms not exceeding eleven years.[40] This act was repealed in the following year, and corporal punishment was restored,[41] but not without arousing considerable opposition. Governor Truitt informed the legislature that corporal punishment did not deter offenders and that only an ignominious punishment would keep Negroes from hailing the victim as a "sort of martyr to the persecution of the whites."[42] Accordingly, in a closely divided vote,[43] the House once more imposed servitude for larceny committed by

[38] Morris, *Government and Labor*, p. 345. Since the Delaware code was based on Pennsylvania's, the earliest precedent will be found in *Pennsylvania Statutes at Large* (1896-1908), II, 11, 12 (1700), 173 (1706). The act of 1700 was repealed by the Queen in Council, but the later act was allowed to become law by lapse of time. For enforcement in the Revolutionary period, see Newcastle Quarter Sessions, lib. 1780-83 (1782): six years for fourfold restitution.

[39] By an act of 1787 free Negroes convicted of horsestealing could be sold as servants to the West Indies or elsewhere for a term of years. *Del. Laws* (1843), II, 887.

[40] *Del. Laws* (1816), IV, 111 (1807).

[41] *Ibid.*, p. 221. In a case involving an offense committed under the Servitude Act of 1807 but brought to trial after the act had been repealed, it was argued that "the legislature meant . . . to substitute remuneration by servitude instead of an ignominious punishment which had no influence upon a set of people to whom character was of less importance than to whites." However, the court held the second act repealed the first. The prisoner was ordered discharged on payment of costs, but on application of his counsel was sold to pay such costs. State v. Tyre, Boorstin, 2 Del. Cas. 38 (1808). For cases prior to the act of 1807, see, for example, three orders for the sale of James Garner, free Negro, for larceny: restitution, $42 (fourfold); cost, $74.90; he was sold for $12 a year, which was sufficient for the above items, but not sufficient to satisfy an additional bill for prison fees. Petitions (1798). For a case involving a white convict, see petition of Daniel Morris to be sold for a period not exceeding seven years in accord with the act of assembly. *Ibid.* (1803).

[42] *House Journal*, January 4, 1809.

[43] The tie vote in the House was broken by the Speaker, who cast the deciding ballot in favor of the passage of the bill. *Ibid.*

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Negroes, this time for a term not exceeding eleven years, but the Senate rejected the bill. Finally, in 1811, a substitute measure was agreed to by both houses authorizing the sale of free Negroes convicted of larceny for a minimum period of two years and a maximum of seven years " in this state or elsewhere " in lieu of the fourfold restitution.[44]

The adequacy of this penalty was soon contested. In 1824, a group of white citizens of Sussex County called upon the legislature to " put a stop to this growing evil ", whereby free Negroes or mulattoes convicted of felony were " sold for little or nothing, to the loss of individuals as well as a great expense to the county." The charge was made that such convicts were " immediately let loose to perpetrate the mischief over and over again." [45] Accordingly, when the criminal code was overhauled by the Delaware legislature in February 1826, certain types of larceny were made punishable by restitution, corporal punishment, *and* servitude. The prisoner was required to make good fourfold the value of the property stolen, unless it was restored, in which case, twofold thereof. Furthermore, the offender was to be set on the pillory for the space of one hour, whipped thirty-nine lashes on the bare back, and " disposed of as a servant to the highest and best bidder or bidders for the period of seven years." [46] Other related felonies against property carried servitude penalties ranging from a minimum of two to a maximum of seven years.[47] Free Negroes or mulattoes committing larceny or receiving stolen goods were required to make like restitution, subjected to a whipping of twenty-one lashes, and

[44] *Del. Laws* (1843), IV, 408 (1811).

[45] MS. Legislative Papers, 1824, Public Archives Commission, Dover. Their criticism was directed against the servitude reënactment of February 9, 1816, restraining the sale out of the state of free Negroes or mulattoes convicted of felony unless the court should so order. *Del. Laws* (1816), p. 149.

[46] *Del. Laws* (1829), pp. 132, 133.

[47] *Ibid.*, p. 129 (housebreaking); larceny of bank notes and choses in action, in addition to restitution, twenty-one lashes. The culprit was required to wear a Roman T not less than four inches long and one inch wide of scarlet color on the back of his outermost garment for a period of six months after his discharge; for the second offense, restitution, thirty-nine lashes, and sale (one year minimum, seven years maximum). This law excepted free Negroes or mulattoes. A similar penalty was fixed for receiving stolen goods. *Ibid.*, p. 134.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

were to be disposed of as servants, for a term not exceeding seven years, to a person residing within the state. No such restriction on disposal was imposed for the second offense, but it was made discretionary for the court, in the case of Negro first offenders, to sell them as servants to the highest bidders wheresoever located.[48] Since, in addition to the restraint against their sale outside the state, Negroes were not required to wear the ignominious badge of guilt or forced to stand in the pillory, the law actually discriminated in their favor.[49]

How the servitude penalty was enforced is revealed by orders on file in Dover for the sale of persons convicted of larceny, the bulk of which cover the second quarter of the nineteenth century and are very largely confined to convictions in rural Kent County, which had a higher proportion of Negroes to whites than the other counties of ante-bellum Delaware.[50] These orders reveal that, during the years 1822 to 1844, forty free Negroes were sold for larceny and related felonies against property. Over the years 1822 to 1840, ninety-one white convicts were sold for similar offenses.[51] The last petition on record of a white person convicted of larceny was that of Sarah Rias, who asked the court in October 1840, one year after the statute

[48] *Del. Laws* (1829), pp. 134, 135. This issue was raised in State v. Morris, 2 Harrington 534 (1837). The prisoner, though not indicted for a second offense, had been convicted of larceny and sold to pay restitution money and costs. Before the expiration of his servitude he committed larceny again, for which he was convicted. The question was whether a free Negro lost his status of freedom during servitude. If so, he would be exempted from punishment during the term of servitude for every second or subsequent offense. "For being thus held to be neither free Negroes nor slaves," the court declared, "they would be quite out of the pale of the criminal jurisdiction of any judicial tribunal in the state." Since the indictment did not describe the felony as a second offense, the prisoner was not ordered to be sold out of the state.

[49] Slaves could be sold for restitution if their masters did not redeem them. *Del. Laws* (1829), pp. 152, 153.

[50] In 1840 Kent County had 6,254 Negroes to 13,618 whites, almost a 1:2 ratio as against a 1:3½ ratio prevailing in New Castle and Sussex. On the eve of the Civil War, 203 slaves were divided among 66 owners. *Census of 1860*, "Agriculture", p. 225.

[51] One of these cases involved a petition of ten residents to sell a person convicted of petit larceny on the ground that he was addicted to pilfering and had a "vicious disposition". Petition to sell Allen, Petitions (1822).

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

had abolished servitude for white persons, to be sold for a period not exceeding seven years in lieu of a sentence of twofold restitution amounting to $8, twelve lashes, and court costs and fees totaling $32.08. It is perhaps significant that no endorsement of a sale in her case was noted on the reverse of the petition.[52]

Perhaps the most striking inequity in the working out of the system of servitude for larceny was the disproportionate share of service time assigned to satisfy costs of trial and commitment as against time in lieu of restitution of the property stolen. In actuality, terms were imposed out of all proportion to the offenses. One is reminded of the way colonial courts treated fugitive servants, who, upon arrest, were required not only to make up the time lost, but also to work off the costs of their capture, which might figure heavily in the sentence.[53] Convicted thieves in nineteenth-century Delaware faced the kind of stiff sentences customarily imposed upon absentee workers in the colonial period. During the year 1823 sales of white convicts averaged two-year terms, but as time went on the period of servitude was lengthened considerably.[54] Let us consider a few cases. In 1825, Priscilla Saunders was sentenced to make restitution of 64 cents, and, in addition, to pay the clerk, the cryer, and prison charges. The total mounted up to $21.81. When she was put up on the auction block, the highest bidder, William H. Wilde, purchased her services for seven years for a mere $12.50, an amount not sufficient to satisfy the costs. On the other hand, Peter Vien, the same year, was ordered to make restitution of $4.48, his total indebtedness amounting to $26.43;

[52] White offenders got off more easily once servitude was abolished. For instance, Henry Klay was sentenced in April 1842, to make restitution in the amount of $200 (twofold) and pay costs running to $49.82, which included $1.50 for corporal punishment. He was put in the pillory for one hour and whipped thirty-nine lashes. Being unable to pay, he was sent to prison for the brief period, May 2 to May 9, 1842. Seven days in prison can hardly be equated with seven years' servitude.

[53] Morris, *Government and Labor,* pp. 447, 453.

[54] For example, Thomas Sykes in 1824 was sold for seven years within the state or elsewhere for felony, involving restitution of $40 and costs. The same year Esther Adams was sold for five years for restitution of $18. In 1825 William Robinson was sold for seven years to make restitution in the amount of $20.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

but he was sold for a mere two-year term to Joseph Fleming for $40. Evidently his labor services were more highly prized than were those of Priscilla Saunders.

Among the absurd servitude sentences which resulted from this practice was the sale for a seven-year term of Samuel Laws, who stole property worth a dollar, which was recovered. He was required to make double restitution, and sentenced to receive twenty-one lashes. His court costs and fees increased his indebtedness to $15.51½, but, as he was unable to pay, he lingered in prison, piling up jail costs of $61.80½ on top of his rather trivial debts. Accordingly, he was sold on December 14, 1827 to the highest bidder, Doctor John Burton, for a seven-year term for $60.50, which was not sufficient to satisfy the judgment and costs.[55] James Johnson was sold for two years for the theft of 25 cents. Total costs ran the bill to $28.57½, but a bidder paid $33.50 for his term, at the rate of $16.75 per year. A more absurd, and at the same time tragic, sentence was that imposed upon Haste White, convicted of felony and ordered to restore 24 cents, at twofold the amount which had been recovered. He was to be given twenty-one lashes in addition. Meantime, unable to pay the court costs which raised his indebtedness to $23.89½, he was detained in prison for some fifty-one days, thereby adding $14.90 to the now formidable total. Apparently there was no commercial bidder for his services, for at the auction on May 14, 1828, his wife bought him for the term of seven years for $1.50. The nominal bid suggests an arrangement whereby it was possible to evade imprisonment for debt where there was no outside bidder.[56] Such petty thieving

[55] See also case of Robert Brown, who was sold for seven years for stealing $1.24. Costs totaled $42.92½, but only $4.25 was paid for his services. Petitions (1827). Hutchins Fisher was sold for seven years for $1.50, *ibid.* (1827). Matthew Adams was sold for *seven years* for stealing *8 cents*, not returned, *ibid.* (1828).

[56] Petitions (1828). For other instances of purchases by wives, husbands, or near relatives, see State v. Peter and Thomas Sykes. Peter was sold to his wife for $37 for three years; Thomas was sold to Charles Kinney for $63. *Ibid.* (1823). In neither case was the amount sufficient. William Robinson was sold to Ann Robinson for the nominal sum of 7 cents (*ibid.* [1825]); and David Hammond's wife, Nelly, got even a better bargain when she picked up the services of her husband for 6½ cents (*ibid.* [1828]). In 1829 Lydia Rachel was sold to her husband for a seven-year term for 50 cents, which did not even cover twofold restitution of $4.62, let alone costs. In 1837 Nathan Alford was sold for 6½ cents to Sarah Alford.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

husbands may, in a sense, be considered as having been paroled out to their wives. For stealing the nominal sum of $1.10 Mary Ann Handy was sold into seven years of servitude.[57]

Generally speaking, in the case of white convicts, long-term servitude sales predominated. Out of fifty-three recorded sales of white persons convicted of crimes against property in the period, 1827-40, forty-two were sold for the full seven-year term, one for six years and nine months, and only five for two years or less. The shortest term of servitude was five and one-half months.

Curiously enough, Negro convicts fared somewhat better. Forty-eight sales are endorsed on the petitions of Negroes convicted of crimes against property. Of these, twenty-three, or about one half (a much lower proportion than in the case of white offenders), were sold for the full seven-year term. Eight were sold for two-year terms. While it is true that Negro servitude for larceny continued beyond 1840, by which date white servitude for that offense had ceased, the trend of service terms after that year was generally for somewhat shorter periods, with two- to four-year terms predominating. For Negroes the legal minimum term of two years under the act of 1839 tended to become the maximum.

Sometimes in sentencing Negro repeaters the courts were inclined to make the term of servitude for second and subsequent offenses nominal. On May 20, 1834, Henry Fisher was sold for a twenty-nine-day term to John Lewis, who paid $64.76 for his time. This sum covered twofold restitution of 75 cents, which had been returned, as well as the fine and costs, including $2.03 for inflicting the corporal punishment of twenty-one stripes. On the very same day Fisher was again sold to Lewis for the term of three days on another larceny conviction involving fourfold restitution of 75 cents, and he was sold to the same purchaser for a third time that day for "*the term of one Second of time*" for $11.68½, for stealing $1.06. In all, he had to serve a total of thirty-two days for thefts of $2.56.

Other Negroes did not fare as well when they were put on

[57] Her purchaser also bought her for another seven-year term the very same day on a conviction for stealing $7, which had been recovered. Petitions (1834). She also received the customary twenty-one stripes with each conviction.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

the block for multiple convictions. William Burrows was sold on May 8, 1839, for two years and five months for restitution of $12 and costs to a Richard H. Blackiston, who, on a second purchase, bought his services for a seven-year term on November 16 of the same year when the Negro convict was unable to make good a sum of $10. Having languished in prison a total of 131 days, William accumulated costs of $64.35½ for this second offense. This heavy second term of servitude—almost three times as great as that imposed the first time for the theft of a larger sum of money—could be justified only on punitive grounds. But there is no evidence one way or another that the term was meted out as a deterrent to a recidivist.

In fact, there seemed to be no more inequity or caprice in the sentencing of Negroes than in that of white offenders. Richard Tootle, for example, was sold in 1835 for seven years for stealing thirty cents, not recovered, whereas Ann Johnson was sold at the same time for one year and nine months for stealing one dollar, which had been restored to the rightful owner. Twenty-one lashes were meted out in both cases. In 1842 a Negro convict named Jackson was sold for two years for stealing twenty-three cents and given twelve lashes, in addition, and another named Cannon was sold for a like term for the theft of thirty cents, with similar corporal punishment. But where the property stolen had mounted to as much as four dollars, as was the case with the Negro convict, Thomas Wansley, the sale was for a seven-year term.

One of the most shocking aspects of the system was that parents might sell their children off to make good their own larceny servitude penalties, a cruel alternative also open in the case of ordinary indebtedness. In 1828, Hughlett Adams, a free Negro aged sixteen, was bound as a servant until age twenty-one in consideration of his master's having entered into surety for his father's appearance at the next court of quarter sessions to answer to a charge of larceny made by a free Negro named Ann Fisher. Hughlett, who was to receive $20 in lieu of a provision for his education, was assigned over to a third party a few months later in consideration of $30.[58]

[58] This assignment was executed in the presence of a justice of the peace. Indentures (1828).

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

It is apparent from a consideration of these cases that servitude was the only path to freedom for very poor whites and marginal free Negroes, completely devoid of resources and unfortunate enough to get enmeshed in the toils of the law.[59] It is also clear that, despite the capricious and inequitable character of the sentences, the servitude terms imposed in larceny convictions between 1826 and 1840 were not discriminatory against Negroes as a race.[60]

In addition to servitude for debt and for crimes against property, the bulk of the remaining instances where persons were sold as servants comprised assault and battery convictions. Severe servitude penalties resulted from the inability of the convicts to pay the fines meted out in such cases.[61] The Delaware experience contrasts strikingly with the practices in most of the Southern states, where token fines of from one to five dollars, without involving servitude, generally proved too inconsequential to deter the lawless whites on the expanding Dixie frontier.[62] In fact, in Delaware the servitude terms imposed for assault and battery were longer on an average than the terms in larceny cases. In the case of Negro offenders, all except three were sold for terms not exceeding the legal maximum of seven years, and these three went out to service for periods running from one to six months.[63] White offenders fared even worse.

[59] Occasionally one comes across the rare, but gratifying, evidence that the Negro was able to pay the judgment and avoid the sale. State v. Hester Griffiths (1838) —$30.24 paid "in full", involving $14 restitution, plus costs.

[60] In matters of larceny no distinction was made between a free Negro and a free mulatto. State v. Warrington, Negro, 3 Harrington 556 (1840).

[61] Under the act of 1826, fine and imprisonment or either could be meted out at the discretion of the court. *Del. Laws* (1829), p. 141. Under the act of 1829 the maximum fine to be imposed by a justice of the peace in an assault and battery case was $10, for nonpayment of which the prisoner could be committed to jail. *Ibid.*, pp. 360, 361.

[62] A few examples may be cited from the available general sessions records of South Carolina which have been examined for the ante-bellum period to demonstrate that the usual fines ranged from one cent to five dollars. Edgefield, S. C., General Sessions Minutes, 1807-15, 1818-25, *passim;* Fairfield General Sessions Minutes, 1807-9, pp. 9, 35; Pickens General Sessions Journal, 1828-43, pp. 285, 292.

[63] Garrett Patton was sold in 1838 to Ruth Patton, his wife, for 12½ cents for seven years. She was the highest and best bidder. But by a subsequent court order he was again ordered sold for a term not exceeding one month for nonpayment of fines and costs totaling $23.45. Michael Guy's fine of $20 was remitted by the

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

All without exception had to work off their fines and fees by seven-year terms of servitude. A number of extraordinary cases of injustice resulted. Terms of seven years were meted out in assault and battery cases where the fines imposed had ranged from such nominal amounts as fifty cents,[64] a dollar,[65] or two dollars[66] to the average range of fines running from ten to twenty dollars.[67] However, more flagrant offenders, whom the court found it expedient to fine in substantial amounts, running from $5 to $250, received identical sentences of servitude.[68] It is obvious, then, that penalties for assault and battery bore no relationship whatsoever to the seriousness of the offense. After 1837, when servitude for white offenders in assault and battery was discontinued, jail terms were substituted, but these were for periods far less substantial than the previous servitude terms. Under the new law the maximum term was now three months.[69] The working out of the new law was not unlike a recent Texas

---

governor, and the costs were settled; hence, the sale for a seven-year term was canceled. Petitions (1835). The enactment of 1837 had reduced the maximum servitude term of Negroes in assault and battery to one year. *Del. Laws* (1843), IX, 63 (1837).

[64] State v. Hovey (1825); State v. Greenfield (1825); State v. Peterson, Jr. (1827), four sales to his wife for 6¼ cents each time on four convictions and fines of from 50 cents to $30; State v. Sapp (1827); State v. Hopkins (1828); State v. Taylor (1828); State v. McNatt (1830).

[65] State v. Hayes (1830), five prior orders of sales on convictions were on record in defendant's case; State v. Caldwell, costs ran the total indebtedness to $27.13.

[66] State v. Dailey (1825); State v. Lanesby (1826).

[67] See, for example, petition of Jester (1805); State v. Warren (1825); State v. Hood, Spear, and Griffin (1826); State v. Peterson, Jr. (1827); State v. Isles (1835); State v. Calloway (1837).

[68] State v. Welch (1829), $50; State v. Rodney (1829), $200, sold for seven years for $67, which was insufficient to pay total costs of $277.81½; State v. Stevens (1834), $250, costs and fine totaled $415, sold for seven years for 12½ cents; State v. Watkins (1836), $100, costs and fines totaled $232, sold for seven years for 6 cents.

[69] A few examples of the new law in operation will be given. In 1842 James Collins was fined $20. Being unable to pay, he was jailed on May 2 until July 1 of that year. Two years earlier Samuel Dickson had been fined $500 for assault and battery with intent to murder. He was put in the pillory for an hour and given six months' imprisonment. The governor then pardoned the convict, remitting the fine but not the costs, which totaled $69.53, of which $40 went to the sheriff. Once more, in 1843, the governor stepped in and remitted a $35 fine.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

case reported by the United Press in which the prisoner learned the comparative value of jail sentences and jail fines. When given a choice of thirty days in jail or a fine of $250, the defendant chose the fine, only to discover that he did not have the money and had to serve ninety days in jail as an equivalent of the fine. This was learning the hard way! [70]

After 1837, Negro assault and battery offenders came to suffer serious discrimination. Henceforth, Negroes continued to be sold for moderate terms of servitude while white offenders were given very brief prison terms. The contention, then, of the Delaware court in *State v. Pettyjohn, Negro,*[71] that the criminal code distinguished between white persons and free Negroes or mulattoes only in cases of larceny or receiving stolen goods was inaccurate even at the time it was made.

Servitude was also utilized to pay off fines imposed for various minor offenses, chiefly for liquor law violations.[72] Down to 1838 twenty-three such offenders were sold in Kent County for seven-year terms for being unable to pay the statutory maximum fine of $14.[73] As liquor law violators were liable to separate convictions on each and every sale, the spectacle of public sales of illegal liquor sellers for seven-year terms on separate convictions was not extraordinary by the standards of that day. A few instances will be given. Ann Moore was sold six times on May 14, 1830, each time for a seven-year term, to Joshua Brown, who, for the price of 42 cents, secured her services for a like number of years! [74] Nathan Alford was sold the same day for four terms, in all totaling twenty-eight years, to Sarah Alford, presumably his wife, who, against poor bidding, was able to buy her husband's services for 44¾ cents. Per-

[70] New York *World Telegram*, November 30, 1949.

[71] 3 Harrington 548 (October 1839).

[72] For allowing drinking at unseasonable hours or for suffering a disorderly house, the penalty was revocation of license for three years and a fine of $30. *Del. Laws* (1829), p. 518 (1827). For selling liquor by the small measure without license, the fine was $14. *Ibid.*, p. 519.

[73] One offender was sold for two years and five months. State v. Julia Ann Poynter (November 6, 1838), although, under the sentence, sale up to the legal maximum of seven years was authorized.

[74] State v. Ann Moore, Petitions (1830).

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

haps, even at that figure he was no bargain. But it is apparent in this instance that, owing to lack of bidders, the convict used the servitude option to evade payment of fines amounting to $56, as well as substantial costs.[75] When, a few years later, Samuel Wise bought James Minner for a seven-year term, he had acquired a property which was already subject to twenty-eight years of servitude to four other successful bidders![76] The year 1839 saw imprisonment substituted for servitude for this offense as well.[77]

The indiscriminate length of the servitude term for such minor offenses makes the application of peonage in the case of more serious criminal convictions downright ridiculous. Take the case of Rebecca Wilson, convicted in 1827 of manslaughter in the second degree. Fined $100 and given three months in prison, she brought $57 when sold the following winter for a seven-year term. Convictions of intent to rob brought only four-year terms of servitude,[78] while seven-year terms were meted out to those guilty of assault and battery with intent to commit murder.[79]

[75] State v. Nathan Alford, Petitions (1830).

[76] State v. James Minner, Petitions (1832). See also double sale on November 10, 1834, of Jonathan Taylor for two seven-year terms. State v. Taylor, *ibid.* (1834). These heavy sentences bear comparison with twentieth-century experiences. Generally fines or time sentences in liquor cases are lighter than in non-liquor cases. For Virginia, see F. W. Hoffer, D. M. Mann, and F. N. House, *The Jails of Virginia* (New York, 1933), pp. 336, 337.

[77] Nancy Marlow, unable to pay the $14 fine and costs, totaling in all $29, was sentenced to ten days' imprisonment. Petitions (April 1, 1842). Other offenses for which convicts were sold include riot, in which three sales of white offenders for terms of nine and one-half months to twelve months are on record in Kent County (cases of Henry, Rodney, and Ellsberry [all 1834], Petitions), and disturbing religious worship, for which offense three sales covering seven-year terms on nominal bids have been uncovered. Cases of Peterson (1827), McWhecter (1828), and Biggs (1835), *ibid.* One seven-year sale for contempt was ordered in 1829. State v. Lowery, *ibid.*

[78] State v. Ogg (1828), State v. Davis (1829), Petitions—in lieu of $500 fine in both cases.

[79] State v. Calhoun (1826), in lieu of $200 fine; State v. Guy (1830), in lieu of $500 fine (sale brought $120), Petitions. The loose employment of the term "felony" in describing the crime for which the convict is sentenced often makes it impossible to make an accurate appraisal of the punitive element entering into servitude terms. *Cf.* cases of Armstrong (1823), Sipple (1823), Mosely (1826), and Rodney (1829), *ibid.*

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

The not infrequent failure to sell white convicts at auction for realistic sums would serve to minimize the rôle of white servitude in Delaware's labor market. Negro convict sales, on the other hand, seem to have been bona fide transactions in the main, carrying an obligation to perform substantial labor services. For instance, it is highly likely that Overtoon Moore, a free man of color who bound himself in 1818 to an employer to work as a servant for three years in consideration of the latter's paying $55 in jail fees, actually served out his term.[80] It is also not improbable that both Charles Black, who bound himself to serve Caleb H. Sipple for seven years at $8 a month to cover suretyship for the maintenance of a bastard child, and Samuel Murray, who was sold to John S. McCombs for three years for the substantial sum of $480, really worked out their hire.[81] William Karp probably received value for the $140 he bid for the fourteen years of servitude to which Samuel Otwell had been sentenced on a conviction for attempt to commit rape and in lieu of the $1000 fine imposed by the court.[82] But there were other occasions when Negro convicts were picked up at bargain prices,[83] and it is not unlikely that some of these instances represent technical sales to conform to the servitude penalties at law.

. . . . . .

From a review of the evidence presented in this article, the conclusion seems inescapable that Delaware's ante-bellum peonage practices substantially curtailed the free Negro's expectations of actual liberty. Persons in this status remained

[80] However, the master and mistress did not record this indenture until 1826. Petitions (1827).

[81] In Murray's case the sum he was sold for exceeded legal costs by $437.31.

[82] Otwell was also sentenced to receive sixty lashes, to stand one hour in the pillory, and to serve three months in jail. His costs totaled $205.88. There is this notation: "County pays $85.31." Arson cases involving Negroes also gave rise to bona fide sales. James T. Dudley paid $350 for the "natural life" term of Joseph Houston, a slave, whose master failed to pay costs and prison fees. State v. Houston, Petitions (1841). B. M. Campbell bought a fourteen-year term of Ellen Hazzard, a convicted Negro arsonist, for $172. The convict was also sentenced to one hour in the pillory, twenty lashes, and three months in prison.

[83] Thus, Levi R. Johnson bought the seven-year term of Moses M. Colly, convicted of cutting a sapling (fine $5) for $5.50. Petitions (1841).

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

subject to debt servitude long after 1827, at which time it was abolished for white debtors and for all females. White assault and battery offenders were no longer liable to be sold into servitude after 1837, and within two years servitude for white felons was abolished. It is apparent that the decline of slavery in Delaware did not impede the reduction of free Negroes to that status of quasi bondage so ardently desired by slaveowners in the lower South for their own free persons of color. South Carolina grand jurors not infrequently urged that steps be taken to bind Negro debtors out to service until their debts to white creditors "be fully paid" and went on record proposing that free Negroes be forced "to choose a master" for "a certain period of time." [84] Ironically enough, the demands of certain fire-eating South Carolinians, while never translated into action in that state, were actually in effect for a good many years in a border state where more temperate opinion on the slavery issue prevailed.

Only five weeks before the firing on Fort Sumter the legislature of Delaware passed a statute which permitted imprisoned Negro debtors to make service contracts with their creditors to work off their indebtedness. For failure to do so, the debtor could be sold by the sheriff for a term not to exceed seven years, with the reservation that the purchaser was not to transfer him to any person without the consent of the judge of the county.[85] This special disability of Negroes to obtain release from imprisonment for debt unless they agreed to serve their creditors was reënacted in subsequent nineteenth-century revisions of the Delaware laws, and was not repealed until 1915! [86] On February 8, 1865, both houses of the Delaware legislature by joint resolution rejected a proposed amendment to the state constitution prohibiting slavery or involuntary servitude.[87] Despite the fact that the Thirteenth Amendment

[84] Union, S. C., General Sessions Journal, 1840-52, Pt. II, p. 403 (1852); Newberry, S. C., General Sessions Minutes, 1853-73, p. 25 (1859).

[85] *Del. Laws* (1861), pp. 151-153.

[86] *Del. Rev. Stat.* (1852), p. 432; (1874), p. 719; (1893), p. 878—all permitting servitude for wages "as the courts may allow" for debts by Negro males. This provision no longer appears in the insolvency law in the revision of 1915, p. 2037.

[87] *Del. Rev. Stat.* (1874), p. 684.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

became part of the organic law of the land on December 18, 1865, the sale of free Negroes persisted beyond that date in Delaware. The following broadside demonstrates quite dramatically the evasion of the spirit if not the letter of that Amendment:

SHERIFF'S SALE

By authority of an act of the General Assembly of the State of Delaware, passed at Dover, March 6th, 1862, will be sold at Public Vendue, at the door of the County Jail of Kent County, to the highest and best bidder of said county,

ON SATURDAY, APRIL 28th, 1866,

At 10 o'clock, A.M.,

PETER GRIFFIN, (free negro,) for such term as shall be sufficient to satisfy all claims which are duly filed against him, according to law, together with all costs; such term not to exceed seven years. *Terms Cash.*

WM. WHITAKER, *Sheriff.*

Sheriff's Office, Dover, Del., April 6, 1866.[88]

The year 1862 mentioned in the broadside as the date of the statute which authorized the sale is clearly an error for 1861, on March 6 of which year was enacted the law previously referred to, providing for the sale of Negro debtors into servitude.

The servitude provision for free Negroes convicted of crimes against property remained in force until 1867, just one year after the debtor sale described in the broadside. At that time the punishment for Negroes was made the same as for whites.[89] The reason offered by the legislators for the change testifies to the continuation of the peonage sales in criminal convictions at that late date. The modification was quite frankly justified on the ground that, since the adoption of the Thirteenth Amendment, when a Negro "is offered at public sale, as a servant, to the highest bidder as a punishment for crime," the sale was "rendered impracticable for the want of bidders on account of said constitutional provision." In other words, the servitude

[88] Public Archives Commission, Dover. According to a notation on the broadside, it was "printed at the Office of 'The Delawarean,' in Todd's New Building, Dover, Delaware."

[89] *Del. Laws* (1843), XIII, 160-161.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

provision was dropped, not with any idea of giving the Negro equal rights, but to end a practice which resulted in white convicts receiving greater punishment than Negroes! Constitutional changes had no effect upon the position of destitute Negro mothers of illegitimate children, who were still subject to servitude after the Civil War, as were pauper and illegitimate children of both races until very recent times.[90]

In the long run, ante-bellum peonage practices were discriminatory against Negroes. As against whites, they were enforced in a capricious and illogical manner. Since terms of servitude were out of all proportion to the offenses involved, they were undoubtedly evaded on occasion by both white and Negro offenders through token sales to their relatives for nominal amounts. The system demonstrated in emphatic terms the disproportion which trial fees and prison costs bore to the total judgment in criminal cases.

The continued utilization of servitude in its penology program explains the survival in Delaware to this very day of the practice of having prisoners work off fines and costs to private employers. Under the law now in effect the sheriff or warden of the county jail is authorized to farm out prison labor to private employers for such wages and length of time as shall be deemed appropriate by the levy court, which may deduct prison board, costs of prosecution, and fines imposed upon the prisoner. Furthermore, the prisoner may be detained until he has satisfied these obligations unless he is legally discharged without the qualification "upon payment of costs."[91] But the fact that Delaware should be one of the comparatively few remaining American states to perpetuate a system of prison contract labor[92] is

[90] *Del. Rev. Stat.* (1915), §§ 3102, 3103. A female apprentice bearing an illegitimate child could be required to serve her master an extra year. *Ibid.*, § 3112, par. 12.

[91] *Rev. Code of Del.* (1935), §§ 4130-4133. *Laws of Del.* (1943), ch. 168. The maintenance costs were fixed in 1931 at one dollar per diem (*Laws of Del.* [1843], XXXVII, 817, 818), which figure has in recent years generally corresponded with the wages actually paid for such prison labor on the basis of an eight-hour day.

[92] For sale of convict labor in other states to satisfy fines and costs, see E. S. Whitin, *Penal Servitude* (New York, 1912), pp. 97, 108, 115, 150, 153; also R. G. Caldwell, *The New Castle County Workhouse* (Philadelphia, 1940), pp. 90, 107; S. A. Queen, *The Passing of the County Jail* (Menasha, Wis., 1920), pp. 17-24.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

best explained in terms of that state's tradition of debt bondage and penological conservatism. A state which still clings to the whipping post [93] might be expected to fall back upon quasi peonage to bolster an outmoded system of prison contract labor. This account of the roots of peonage in Delaware and the extraordinary vitality of that institution suggests the conclusion that the use at the present day of the county jail as an employment bureau for cheap labor is no novelty in the long history of that state. But above and beyond these local considerations, it raises the larger issue of the exploitation in our own day of prison labor, particularly in county and municipal jails, not alone in Delaware but in other parts of the country as well.[94] Such vestigial remnants of forced labor in our own land call for a full and thorough investigation.

RICHARD B. MORRIS

COLUMBIA UNIVERSITY

[93] R. G. Caldwell, *Red Hannah, Delaware's Whipping Post* (Philadelphia, 1947).

[94] McKelvey, *American Prisons*, p. 228.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

THE KASHMIR ISSUE AND THE UNITED NATIONS

THE peace of the world depends in a very great degree on coöperation between the United States and the democratic forces of Asia. Since India's attainment of sovereign status, she has assumed the leadership of the peoples of Asia by championing their right to freedom and independence. Although it is generally assumed that India will remain neutral in the rivalry between the power blocs, Prime Minister Jawaharlal Nehru has made it clear that India's position is not isolationist and that she will always uphold the cause of justice and freedom and oppose tyranny.

In this evolving coöperation between India and the free world the Kashmir issue contains within itself grave potentialities. The continuance of conflict between Pakistan and India over Kashmir not only will weaken India and Pakistan but also might develop into a serious threat to world peace. A detailed presentation of the history of this conflict, and the issues at stake, should therefore be useful to students of international affairs.

I

The area of the state of Kashmir is 84,471 square miles, the largest of all Indian Princely States. It is bounded on the north by Afghanistan, China and Russia; on the west and south by Pakistan, and extreme southeast and east by India. This geographical position of Kashmir has a tremendous strategical significance for the defense of India. According to the census of 1941, the state of Jammu and Kashmir had a population of 4,021,616; of which 77.11 per cent was Moslem, 20 per cent Hindu, 1.6 per cent Sikh, the rest comprising Buddhist and other religious faiths. The state was ruled autocratically by a Hindu Maharajah, Sir Hari Singh, assisted by ministers, without any popular representation.[1]

On June 3, 1947, the British government announced its plan for partition of India, proclaiming that, with the transfer of

[1] See a pamphlet issued by the Pakistan Embassy, Washington, D. C.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

power from the Crown to the two future dominions, the paramountcy of the Crown over the Indian States would cease to exist. By the Independence of India Act, on August 15, 1947, India and Pakistan came into existence as *dominions* within the British Commonwealth. By the same Act it was provided that the Princely States of India, which did not enjoy sovereign rights, were freed from the suzerainty of His Majesty while keeping alive any agreements relating to customs, transit and communications, posts and telegraphs, and other similar matters. But in one of the Cabinet Mission's announcements in 1946, it was stated that when paramountcy or suzerainty lapsed, the Indian States could either accede or seek some other form of relationship.[2] The government of Kashmir, headed by the Hindu Maharajah, the official chief executive of the state, was undecided about acceding to either of the dominions. On behalf of the state of Kashmir, he sent telegrams to India and Pakistan, asking them to enter into a Standstill Agreement with Kashmir.

This Standstill Agreement included provisions according to which certain services in the state of Jammu and Kashmir, such as posts, telegraphs and railways, which had, prior to August 15, 1947, been administered by India, were henceforth to be administered by Pakistan, as these services formed part of the administrative machinery of Pakistan.

Between August 15 and the end of October 1947, Pakistan, in its determination to force the accession of Kashmir, used every kind of pressure, including blockade, on the government of Jammu and Kashmir. Essential supplies, which had to reach

[2] All but three Princely States signed the instruments of accession and they became parts of either India or Pakistan. The states which did not accede to either of the dominions were Hydrabad, Junagadh and Kashmir. It is not the province of this paper to discuss the Hydrabad and Junagadh issues. However, I wish to point out that I have discussed the status of Hydrabad in an article in the January 1949 issue of the *Journal of International Law*, Washington, D. C. In Junagadh the ruler, who was a Moslem, left the state long before any action was contemplated by the government of India. After his flight, there was a complete breakdown of the state administration and the government of India was approached for assistance in restoring law and order by the Prime Minister of the state who was a nominee of the ruler himself and had been left in charge of the state by the ruler. A plebiscite was held in the state as soon as the situation became normal; and an overwhelming majority favored accession to India.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Kashmir through Pakistan, were prevented from reaching that state and considerable pressure was brought to bear on Kashmir to accede to Pakistan. In October 1947, Moslem tribesmen from the frontiers of Kashmir, and some from the Northwest Frontier Province of Pakistan, invaded Kashmir. These invaders, commonly classed as raiders, were equipped with arms and ammunition from Pakistan by Pakistani officials as well as nationals and by some of the local Moslem population of Kashmir, fired with Pan-Islamic zeal. The story of the advance of the invaders into Kashmir is a bloody one of pillage, destruction, rape and abduction of women and children, and massacre of the civil population—especially Hindus—who tried to defend their hearth and home.

II

What was the internal situation of the state of Kashmir and Jammu before the invasion? Prior to the Independence of India Act of August 15, 1947, the people of the state of Jammu and Kashmir were profoundly influenced by the Indian nationalist movement, led by the Indian National Congress party which was essentially democratic and secular in character. As Kashmir was under the despotic rule of a Hindu prince and the majority of the population was Moslem, at first there came into existence in 1922 a political body known as the *Moslem Conference* under the leadership of Sheikh Abdullah. In June 1939 at a special session of that Conference it was resolved, "From this day the name of the Moslem Conference is changed to the National Conference and all those who believe in the objective of a responsible and democratic government in the State can become members irrespective of any caste, creed or religion." The National Conference collaborated with the All India National Congress party. Here it should be borne in mind that this party was a staunch supporter of the "States People's Congress", the democratic movement in the Indian Princely States, striving for freedom of the people and responsible government.

The All Jammu-Kashmir National Conference held its first session in October 1939. It adopted a resolution which was

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

described as the "national demand". "This resolution advocated responsible government, joint electorates [not communal electorates] based on adult franchise with seats reserved for the minorities and legislative control of expenditure in most of the important departments of the Government." The reactionary Hindu ruler of Kashmir, like most of the Indian princes who were opposed to the Indian nationalist movement and favored the British government against the All India National Congress, was bitterly opposed to the National Conference and its leader, Sheikh Abdullah, who was repeatedly imprisoned on various charges of disturbing peace and order. In 1946, Sheikh Abdullah started "Quit Kashmir", the movement which was a counterpart of the demand of the Indian National Congress for the British to "Quit India". He was arrested and sentenced to three years' imprisonment. On this occasion Pandit Nehru went to Kashmir to defend him.

Thus at the time of the invasion of Kashmir in 1947 by the so-called raiders, there were three distinct political forces operating in the state: (a) the Maharajah and the conservative elements wishing to carry on the autocratic rule and autonomous existence of the state, (b) the Pan-Islamist group within the state which wished separation of Kashmir from India and its incorporation in Pakistan, and (c) the powerful popular party of the National Conference, led by an Indian Nationalist Moslem, a native of Kashmir, working for the cause of responsible government in the state and coöperating with the All India National Congress toward the end that Kashmir stay within the fold of India.

III

By permitting the frontier tribesmen to pass through its territory, Pakistan became a party to the invasion of Kashmir in 1947.

Major Khurshid Anvar, Pakistani Deputy Commander of the unofficial Moslem League National Guards, led an expedition from Pakistan to seize the Kashmir Valley and Srinagar, the capital.[3]

[3] Phillips Talbot, "Kashmir and Hydrabad", in *World Politics*, vol. I, No. 3, April 1949, p. 329.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

At first the Maharajah of Kashmir appealed to Pakistan not to aid the invaders; but, as Pakistan was behind the invasion, the appeal was fruitless. This act of aggression by Pakistan abrogated the Standstill Agreement. Then, on October 26, 1947, Kashmir sent an urgent appeal to India for military assistance. The government of India, under the then existing treaties between Kashmir and the British government of India, was obliged—as the legal heir of the British government [4]—to defend Kashmir against any invasion. Furthermore, the Maharajah sent a formal request to India to allow Kashmir to accede to the dominion of India. This appeal for military help and accession to India was not merely a move by the autocratic Maharajah, but was supported by the National Conference of Kashmir under the leadership of Sheikh Abdullah who had by that time been freed from prison by the Maharajah, since the latter hoped thus to secure popular support to oppose the Pakistani invasion of Kashmir.

India, in order to meet its treaty obligations and in conformity with the Indian Independence Act, accepted the request for military aid and accession of Kashmir. It should be kept in mind that in the India Independence Act there was no provision for an Indian Princely State to hold any plebiscite before applying for accession to either India or Pakistan. But India under Pandit Jawaharlal Nehru, advised by Lord Mountbatten, then the Governor-General of India, while accepting the petition of accession, made it clear that after Kashmir was freed from invaders, its people should decide their future by recognized, democratic methods, such as the plebiscite. Thus, the proposal for a plebiscite in Kashmir was a unilateral act of the government of India. Actually, from the legal viewpoint, Kashmir became a part of the dominion of India from the very moment its appeal for accession was accepted.

During the course of the defense of Kashmir by the joint action of Indian and Kashmiri forces, it became evident that Pakistan was the real invader and the raiders were mere subsidiary forces. India repeatedly drew the attention of Pakistan to its involvement in the attack on Kashmir—and thus on

[4] For the legal analysis of the point see "The Status of Hydrabad" in the *Journal of International Law*, January 1949.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

India. Pakistan evaded the issue and brought countercharges of Hindu atrocities against the Moslems of Kashmir, which later proved to be utterly unfounded.[5] Under normal circumstances India might have taken strong military action against Pakistan and driven the invaders out of the country—a course which would be permissible according to international law. But India was determined to avoid an open conflict with Pakistan and took steps aimed at solving the problem peacefully.

On January 1, 1948, India, invoking Article 35 of the Charter of the United Nations, lodged a complaint against Pakistan's aggression against India through the invasion of Kashmir. The complaint contained a review of the situation in Kashmir from September 1947 on, including Kashmir's appeal to India for assistance and accession. It gave specific details of how arms and ammunition had been supplied to the invading forces by Pakistan and set forth the following conclusions: (a) that the invaders are allowed transit across Pakistan, (b) that they are allowed to use Pakistan territory as a base of operation, (c) that they include Pakistan nationals, (d) that they draw much of their military equipment, transportation and supplies (including petrol) from Pakistan, and (e) that Pakistan officers are training, guiding and otherwise actively helping them.[6]

The Pakistan government, instead of answering the specific charges of aggression, filed countercharges against the government of India on January 15, 1948. This would imply that Pakistan could not answer the Indian charges, and a guilty conscience led it to accuse India of worse actions, thus removing itself from the possibility of being censured for aggression and violation of the Charter of the United Nations. Pakistan also invoked Article 35 of the Charter and charged India with breach of international agreements, incitement of revolution, " numerous attacks on Pakistan territory ", and an " extensive campaign of genocide ". " The object of the various acts of aggression by India against Pakistan is the destruction of the State of Pakistan." [7]

[5] U. N. Document S/629, January 5, 1948.

[6] U. N. Document S/628, January 1, 1948, p. 4.

[7] U. N. Document S/646, January 15, 1948, pp. 8-9.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Both Pakistan and India agreed, however, that a plebiscite should be held in Kashmir to determine the issue. Pakistan set the following conditions:

> A free plebiscite can be held only when all those who have during the last few months entered the State territory from outside, whether members of the armed forces or private have been cleared out of the State, and peaceful conditions have been restored under a responsible, representative and impartial administration. Even then care must be taken that all those that have been forced or compelled to leave the State since the middle of August 1947 are restored to their homes as it is apprehended that in the Jammu province and elsewhere whole areas have been cleared of the Moslem population.[8]

India entered one reservation: that a number of Indian troops should remain in order to preserve peaceful conditions for the plebiscite.

Regarding the return of the people who were forced to leave Kashmir, the contention of Pakistan that the Moslem population was cleared out of certain areas was not proved beyond doubt. According to the statistics quoted by the Pakistan and Indian Delegation, it became clear that the proportion of Moslems in the population had risen from 77 per cent in 1941 to 95 per cent in 1948. From these figures it was conclusive that more Hindus than Moslems were forced to leave Kashmir, while a large number of Moslems from Pakistan entered.

IV

The first action by the Security Council, after considerable discussion, was the adoption of a resolution presented by Belgium to the effect that both parties—India and Pakistan—should take all measures calculated to improve the situation and refrain from taking any action that might aggravate conditions.[9]

On January 28, 1948 the Council adopted another Belgian resolution which, among other things, established a Commission composed of representatives of three members of the United Nations, one to be selected by India, one by Pakistan, and the

[8] U. N. Document S/646, January 15, 1948.

[9] U. N. Document S/651, January 17, 1948.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

other by the first two. The Commission should proceed to the spot immediately and keep the Security Council informed of its activities and of the development of the situation. The Commission was charged to investigate the claims of both India and Pakistan.[10]

Here it should be mentioned that, after the invasion of Kashmir, a pro-Pakistani Moslem government—the Azad Kashmir or Free Kashmir—was established in the occupied part of the country. This government, with the arms and ammunition and military leaders supplied by Pakistan, developed a well-equipped armed militia of considerable strength—at least thirty-two battalions.

During the debates before the Security Council, the Pakistani Delegation placed special emphasis on the point of view that the Kashmir question could not be dealt with piecemeal but that the whole issue, including their charges against India, must be considered. With the support of the British Delegation and others, the views of the Pakistani Delegation prevailed. It is interesting to note that Dr. Tsiang of China remarked: "It is obvious that the key to the problem lies in the plebiscite. If the principle of a free and impartial plebiscite for deciding the all-important question of the accession of Kashmir to India or Pakistan should be accepted, much of the incentive to violence and the use of force would be removed." [11]

Thus, instead of considering India's complaint against Pakistan, the Security Council centered its attention on the holding of a plebiscite. There was prolonged debate on a resolution, sponsored by Belgium, Canada, China, Colombia, the United Kingdom and the United States, regarding the steps to be taken to bring about the solution of the question of Kashmir by plebiscite.[12] Although both India and Pakistan registered their opposition to the resolution, it was adopted on April 21, 1948.

During the debate and discussion, the Indian Delegation was forced to recognize the anti-Indian position of Great Britain, when Mr. Noel-Baker repeatedly referred to the Indian Army in

[10] U. N. Document S/654, January 28, 1948.

[11] U. N. Document S/P.V. 237, January 29, 1948.

[12] For the text of the resolution, see U. N. Document S/726, April 22, 1948.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Kashmir as an army of occupation. Sir Gopalswamy Ayyangar asserted the legality of India's defense of its own territory by its army and said: "That Army is there in pursuance of legitimate duties cast upon it by the constitutional position which India holds in Kashmir." [13]

By the time the debate was over and the resolution was adopted, it was becoming clear that the Security Council was not considering India's complaint against Pakistan's aggression in Kashmir; but was more interested in determining the validity of India's actions in Kashmir and in studying the charges against India brought by Pakistan. On June 3, 1948, the Security Council directed the Commission on Kashmir to study Pakistan's charges concerning the accession of Junagadh to the Union of India, genocide and the breach of agreement between India and Pakistan. This was a little too much for India to concede. There was tremendous agitation in India indicating distrust in the United Nations Commission. For a time there was a feeling that India would withdraw the whole issue from the United Nations. Mr. Nehru finally informed the Council that India could not acquiesce in this extension of the scope of the Commission and could not promise coöperation. In the *New York Times* of June 16, 1948, Mr. Robert Trumbull reported that "Dispatches from Kashmir make it clear that the pro-Indian Government of Sheikh Abdullah is now unwilling to accept even an impartial plebiscite."

V

The United Nations Commission for India and Pakistan arrived in India on July 7, 1948. In the meantime, the Indian Army was effectively checking the advance of the invaders. According to the Pakistan authorities, the Indian forces were dangerously nearing the Pakistan border, and if this march of the Indian Army was not checked, it would become a serious menace to the security of Pakistan. Therefore, the Pakistan government, to keep its hold in certain parts of Kashmir and to check the possible march of Indian forces into Pakistan, sent a large Pakistan army into Kashmir. Although Pakistan was bound by the resolution of the Security Council to inform the

[13] U. N. Document S/P.V. 285, April 19, 1948, p. 15.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Council immediately of " any material change in the situation ", it did not conform to this ruling.

During the summer of 1948, the United Nations Commission for India and Pakistan, after investigation, became convinced that not only had Pakistan connived with the raiders whom it supplied with arms and ammunition and officers, but " Pakistan's Army General Staff exercised over-all command of regular and irregular Azad forces." This was confirmed by the admission of Pakistan government officials. Thus, the Kashmir dispute was virtually Pakistan's war against India, while the two dominions were officially at peace with each other.[14]

After studying the situation in Kashmir and carefully consulting the authorities of India and Pakistan, the United Nations Commission on August 13, 1948 adopted a resolution calling for a cease-fire agreement between India and Pakistan,[15] to precede the plebiscite.

It was agreed that before the plebiscite was held, the following things must be effected:

> As the presence of troops of Pakistan in the territory of the State of Jammu and Kashmir constitutes a material change in the situation since it was represented by the Government of Pakistan before the Security Council, the Government of Pakistan agrees to withdraw its troops from that State.
>
> The Government of Pakistan will use its best endeavour to secure the withdrawal from the State of Jammu and Kashmir of tribesmen and Pakistan nationals not normally resident therein who have entered the State for the purpose of fighting.
>
> Pending a final solution, the territory, evacuated by the Pakistan troops, will be administered by the local authorities under the surveillance of the Commission.

In a letter of August 20, 1948, Mr. Nehru, on behalf of the government of India, accepted the resolution as his government understood it. Pakistan, however, accepted the resolution with reservations which " the commission was forced to conclude were tantamount to a refusal." [16] The report of the Com-

[14] Talbot, in *World Politics*, April 1949, pp. 330-331.

[15] For the full text of the resolution, see U. N. Document S/995, August 13, 1948.

[16] U. N. Document S/1100, November 22, 1948.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

mission places the whole blame for its failure to accomplish its work on Pakistan's doorstep.

While the United Nations Commission on Kashmir was trying to carry out its mission, the people's government in Kashmir, headed by Sheikh Abdullah, brought about many social and political reforms, limiting the authority of the Maharajah and distributing land among peasants. It was becoming stronger in authority and more popular with the people of Kashmir. This was demonstrated by the fact that in October 1948 an extraordinary convention of the National Conference, attended by 250 delegates representing Moslems, Hindus and Sikhs from all parts of Jammu and Kashmir, voted unanimously in favor of the permanent accession of Kashmir to India.[17]

While the United Nations General Assembly was holding its sessions in Paris, the United Nations Commission on Kashmir met representatives of India and Pakistan and succeeded in having them accept a proposal which amounted to a re-affirmation of the cease-fire agreement of August 13, 1948. They also agreed upon general principles regarding the plebiscite. "Both the governments of Pakistan and India announced their agreement to order a cease-fire effective one minute before midnight, January 1, 1949." [18]

The Secretary-General, on the request of the Commission, sent military advisers to observe the cease-fire. After further correspondence between the Commission and the dominions, the Commission, on January 5, 1949, unanimously adopted a resolution supplementing the Commission's Resolution of August 13, 1948.[19] On January 15, 1949, the Commanders of the Armies of the two dominions met and agreed to an exchange of prisoners in Kashmir. On February 23, the first Kumaon Regiment (Indian troops) was withdrawn from Jammu and Kashmir. On March 22, 1949 the Secretary-General of the United Nations announced the appointment of Admiral Chester W. Nimitz, as United Nations Plebiscite Administrator in Jammu and Kashmir.

[17] Alice Thorner, "The Kashmir Conflict", *The Middle East Journal*, vol. III, No. 2, April 1949, p. 175.

[18] U. N. Document S/1196, January 10, 1949.

[19] *Ibid.*

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

On April 15, the Commission presented the dominions with proposals for a full truce agreement. These proposals represented an "adjustment of viewpoints within the framework of commitments already entered into." [20]

Up to this point, there was reason for optimism regarding a peaceful solution of the Kashmir issue by the United Nations. But this high hope failed to materialize because of the attitude of Pakistan which virtually refused to carry out the agreements regarded as definite prerequisites for a plebiscite.

VI

The differences of opinion between Pakistan and India with regard to implementation of the truce and fulfillment of the conditions for holding a plebiscite have been summarized by the United Nations as follows: "The Government of Pakistan envisaged an unconditional cease-fire, leading to a final settlement, whereas the Government of India was reluctant to consider conditions for such a settlement until Pakistan troops and nationals who had entered the State for the purpose of fighting were withdrawn." [21] Furthermore, satisfactory solution of two other problems—"provisions for administration and defense of sparsely populated and mountainous regions of the north and the question of disarming and disbanding Azad Kashmir forces"—was regarded by the government of India as essential for the implementation of the truce, leading to a plebiscite.

To solve these disagreements the United Nations Commission at first proposed a joint conference, and then, in September 1949, asked the two governments to submit their differences to arbitration on the following terms:

I. The two Governments agree that

a) they will submit to arbitration the differences existing between them concerning all questions raised by them regarding the implementation of Part II of the Resolution of August 13, 1948, the arbitrator to decide these questions according to equity and his decisions to be binding for both parties;

[20] U. S. *Department of State Bulletin*, vol. XX, No. 512, April 24, 1949, p. 519.

[21] United Nations Press Release Kash/79, September 23, 1949.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

b) that arbitration will terminate once the truce terms are decided upon;

c) that Fleet Admiral Chester W. Nimitz be arbitrator;

d) *that the procedure for arbitration will be worked out subsequently;*

e) that since the procedure of arbitration will be limited to the conclusion of the truce, the Commission will continue in the exercise of its functions.

Upon the arbitral decision the Commission will undertake the tasks assigned to it under the truce and under the Resolution of January 5, 1949.

With reference to paragraph I (d) above, the Commission considers that it would be inappropriate, in advance of the approval by the parties of the proposed course of action and the person of the arbitrator, to seek to define the exact procedure to be followed.[22]

Pakistan was ready to accept these terms, but India raised various questions. It wished to know in advance precisely what issues would be arbitrated. It stated definitely that it would not agree to arbitrate the issues regarding the disbanding and disarming of the Azad Kashmir forces and also regarding the administration of north Kashmir and the withdrawal of Pakistan forces which had already been agreed upon in the Resolution of August 13, 1948. The position of the government of India was in accord with the procedures of international law regarding arbitration.[23]

VII

The spirit underlying the Pakistan government's attitude on the Kashmir issue has been well expressed by Kahn Abdul

[22] United Nations Press Release Kash/77, September 10, 1949.

[23] United Nations Press Release Kash/80, September 23, 1949. "In the Government of India's view, the process of consultation with the two governments to determine the points of reference to arbitration should precede, and not follow, acceptance of the proposal for arbitration. Since whether or not arbitration takes place will depend upon agreement between the two governments upon the points to be referred to arbitration, this would be the more logical and appropriate course. It is also in conformity with the accepted procedure in respect to arbitration. The Government of India do not feel called upon at this stage to comment upon the choice of an arbitrator. The stage for that will be after the points for arbitration have been precisely defined and accepted by the Governments of India and Pakistan."

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Quiyam Kahn, Premier of the Northwest Frontier Province of Pakistan. While addressing a public meeting in Hydrabad (Sind) on September 18, 1949, he said, "Pakistan will not be complete without Kashmir and it is the duty of every Pakistani to be prepared to get it." [24]

Meanwhile, on or about August 30, 1949, President Truman and Prime Minister Attlee, through formal notes to Pakistan and India, had suggested that the Kashmir issue should be settled by arbitration by a high and impartial personage appointed by the United Nations—Admiral Nimitz. Reaction in India against this proposal was sharp and instantaneous. Mr. Nehru, reflecting public opinion, in a speech delivered at Allahabad on September 4, 1949, declared that the Anglo-American proposition was virtually *unwarranted intervention.*

During the All Jammu-Kashmir Conference held at Srinagar on September 24, 1949, the position of the government of India and also that of the government of Kashmir were made clear by speeches of Pandit Nehru and Sheikh Abdullah. Mr. Nehru in a speech emphasized the following points:

1. The government of India's acceptance of a plebiscite was not an offer to Pakistan or any organization, but it was to the people of Kashmir, in spite of the fact that the Kashmir government's accession to the government of India was indisputably correct from legal and constitutional points of view.

2. The future of Kashmir should be decided by her own people. This should be the case, even if Pakistan was not involved in the issue. "Long before the raiders came we said Kashmir should decide her own future. We might have explained to them the advantages of joining India, but we could not think of any pressure being put to force the issue in our favor."

3. Referring to statements in the foreign press that acceptance of partition by India implied acceptance of Mr. Jinnah's two-nation theory, Pandit Nehru said:

> This is a surprising argument. At no time in India have we accepted the two-nation theory, nor will we accept it. Why did we agree to partition? To avoid conflict, disorders and post-

[24] *The Statesman* (Overseas Air Mail Edition), September 24, 1949.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

ponement of achievement of freedom. We agreed to let the matter be settled by the elected representatives in the provincial Assemblies concerned, although it would have been better if the issue had been decided by popular vote. What we accepted was the popular verdict as expressed by the elected representatives and not the two-nation theory. If we had accepted this theory, 40,000,000 Moslems would have become aliens in India.

4. While praising the United Nations, Mr. Nehru expressed his surprise that it has not given any answer to the single issue put before it. He said: "They have done their best and they are still trying their best. What is not clear to me is why they did not focus their attention on the single question we put before them and why they did not express their views on it."[25] Mr. Nehru was obviously referring to the question: "Was Pakistan an aggressor or not?"

Speaking not for India as a whole but specifically for Kashmir of which he is Prime Minister, Sheikh Abdullah, addressing the delegates of the conference, said:

> We do not want to shut our eyes to realities and forget history itself. We do not want to repeat Munich in Kashmir. We frankly feel that arbitration means nothing else but appeasement of the aggressor. The fate of Czechoslovakia at the hands of Hitler stands as a warning against all solutions which seek to satisfy the wrongdoer by yielding more and more.
>
> If the nations of the world, who command the power of decision in the Security Council today, do not feel confident themselves to be able to enforce what is right and just, it would be a matter of great pity indeed. President Truman and Mr. Attlee can surely hold Pakistan to the commitments of the cease-fire agreement which fundamentally involves the recognition and extension of sovereignty of the Jammu and Kashmir Government over areas occupied by Pakistan through aggression. On the contrary, arbitration would mean escaping from reality and bargain. We cannot play with the destiny of four million people. We alone can decide our future. After all, what have we to be afraid of when our cause is just and right and why should we be asked to accept "out of court" settlement?[26]

[25] *The Statesman* (Overseas Air Mail Edition), Calcutta, October 1, 1949.

[26] *Ibid.*

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Pakistani propaganda in Britain and the United States has consistently followed the line that, as India was partitioned on the ground of the religious issue raised by the Pan-Islamists of India, Kashmir, in which more than 90 per cent of the population is Moslem, should logically be part of the Moslem state of Pakistan. Mr. Nehru, after his return to India from Britain and the United States, took pains to refute this so-called " two-nation theory ". At a press conference in New Delhi on November 16, 1949, he said in answer to questions regarding American misunderstanding of the Kashmir question:

> Among those who are supposed to know there was not very much misunderstanding. Maybe some facts were not known to them, but generally the facts were known. Among the general public, of course, there was any amount of misunderstanding about many matters.
>
> One such misunderstanding, not only in the United States but also in other parts of the world, was that the partition of India was viewed as if the Moslems and non-Moslems of India had been completely separated on a religious basis, that is to say, as an outcome of the old Moslem League's or Mr. Jinnah's theory of two nations. So far as we are concerned, we never accepted that theory; we repudiated it throughout.[27]

On December 17, 1949, the Security Council of the United Nations met and again took up the Kashmir issue and considered the report of the United Nations Commission for India and Pakistan.

> The United Nations Commission for India and Pakistan reported through its chairman, Bernado Samper of Colombia, that three outstanding issues remained unsettled, namely: The withdrawal of troops from Kashmir as the condition for a free and impartial plebiscite; disposal of Azad [free] Kashmir forces in the Western part of the State; and the administration and defense of the northern areas.

Mr. Arne Sunde of Norway expressed the view that open debate on the Kashmir issue might not solve the problem, and might well have just the opposite effect. He suggested that General A. G. L. McNaughton of Canada, the Chairman of the Security

[27] *The Statesman* (Overseas Air Mail Edition), Calcutta, November 19, 1949, p. 1.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Council, be appointed to carry on private and informal conversations with both the parties (India and Pakistan) in order to find "a mutually satisfactory basis for dealing with the Kashmir problem." [28]

It is most significant that a minority report was submitted to the United Nations on December 17, 1949 by the Czechoslovak Delegation to the United Nations Commission for India and Pakistan. The Czechoslovak Delegation put itself on record as having coöperated with the work of the Commission and as presenting its views in a separate report because "it wishes to throw light on those phases of the Commission's mediation efforts where the majority report does not state clearly the reasons of the failure." [29] The minority report contends, first of all, that by proposing arbitration the Commission overstepped its competence, as stated in the Resolution of August 13, 1948. The arbitration proposal, the report asserts, was British-inspired. Otherwise, a secret memorandum on the subject would not have been in possession of the British High Commissioners at Karachi and New Delhi before it was given to the governments of India and Pakistan. Further, long before the Commission recommended arbitration by Admiral Nimitz, the American members of the Commission and authorities at Lake Success advocated such arbitration—a fact which emphasizes the lack of independence of the Commission.

Because of the Commission's failure to implement the Resolution of August 13, 1948, the minority report charges, Pakistan was given seven months to equip a "formidable force" of thirty-two battalions in the Azad Kashmir army.

General McNaughton tried his best to solve the Kashmir dispute by suggesting synchronized withdrawal of Indian and Pakistan forces from Kashmir. In rejecting the McNaughton proposal, India reiterated its original contentions that, since the accession of Kashmir to India, Kashmir had become a part of Indian territory, for the defense of which Indian forces are responsible, and that Pakistan's invading forces, accordingly, must leave Kashmir unconditionally and the Azad forces be dis-

[28] *New York Times*, December 18, 1949.

[29] U. N. Document S/1430/ Add. 3, December 16, 1949.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

armed and disbanded before any steps for conducting a plebiscite be taken. Thus General McNaughton's mediation failed, and the issue again came before the Security Council.

In a lengthy argument before the Security Council, February 7 to 10, 1950, Sir Zaffarullah Khan presented Pakistan's case regarding Kashmir and held that Kashmir's accession to India was not valid because the majority of the population was Moslem and the country adjoins Pakistan. Furthermore, he declared:

> The possession of Kashmir can do nothing to the economy of India nor to the strategic security of India. On the other hand it is vital for Pakistan. . . . If Kashmir should accede to India, Pakistan might as well, from both the economic and strategic point of view, become a feudatory of India or cease to exist as an independent sovereign state.[30]

It becomes evident that the real motive behind Pakistan's action in Kashmir is to use every possible means to prevent the state of Kashmir from becoming a part of India. Accession or no accession, Pakistan wants to annex Kashmir for " strategic reasons ".

The chief representative of India, by quoting certain statements of Sir Zaffarullah Khan, pointed out that only a few days before the invasion of Kashmir by a large Pakistani force, General Gracie, the Commander-in-Chief of the Pakistan Army, who is a British general, on April 20, 1948 recommended this act of aggression. The reasons behind this recommendation can be understood from the following passage of General Gracie's memorandum: " An easy victory of the Indian Army in any of the above-mentioned sectors, particularly in the Muzaffarbad area, is almost certain to arouse the anger of the tribesmen against Pakistan for its failure to render them *more direct assistance and might well cause them to turn against Pakistan.*" [31]

Commenting on the above, Sir B. N. Rau pointedly said:

> I invite special attention to the words " *more direct assistance.*" This is a most damaging admission proving that in spite of the protestations of the representative of Pakistan, here Pakistan was

[30] S/PV 464, February 8, 1950, p. 10.

[31] *Ibid.*, p. 6.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

> in fact rendering the Tribesmen, even before 20 April 1948, some kind of assistance, direct or indirect. The Commander-in-Chief was recommending that the assistance should take a more direct form. This is conclusive proof that India's complaint to the Security Council in January 1948 was completely true.[32]

The logical conclusions to be drawn from Pakistan's contentions are: (1) a Moslem state for Pan-Islamic reasons can demand incorporation of a portion or all of an adjoining state; (2) a strong Power, on the ground of supposed national security or rectification of the borders, can invade a neighboring state and annex it, ignoring any opposition from the United Nations which is, according to its Charter, bound to check an aggressor nation.

The Security Council, after careful deliberation, has come to the conclusion that the United Nations Commission for India and Pakistan has failed to solve the Kashmir issue. It has now recommended that an individual should be appointed to mediate between Pakistan and India so that both countries would agree to withdraw their forces within five months, and then the issue of whether Kashmir be part of India or Pakistan be settled by plebiscite.

In its first major action after the Soviet walkout, the Security Council, by eight votes, with Yugoslav and Indian abstentions, adopted a resolution calling for demilitarization of Kashmir by August 14, and appointment of a single United Nations mediator to help prepare for a plebiscite on affiliation with India or Pakistan.

On April 12, 1950 a United Nations mediator for Kashmir was selected by the Security Council. Sir Owen Dixon, justice of the high court of Australia, was elected by a vote of eight to nothing, with Yugoslavia and India abstaining and Russia absent.

The United Nations has failed thus far to solve the Kashmir issue. It can only be hoped that a peaceful solution based upon justice and law will be the ultimate outcome.

TARAKNATH DAS

COLUMBIA UNIVERSITY

[32] *Ibid.*, p. 6.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

CONTRIBUTORS TO THE JUNE ISSUE

RENÉ ALBRECHT-CARRIÉ, Associate Professor of History at Barnard College, is the author of *Italy at the Paris Peace Conference*, and *Italy from Napoleon to Mussolini* (1950).

TARAKNATH DAS, Professor of Public Affairs at New York University and Lecturer on the History and Civilization of India at Columbia University, is the author of *India in World Politics* and *Foreign Policy in the Far East*.

KERMIT E. MCKENZIE graduated from the Russian Institute of Columbia University in 1949. He has taught Russian and European history at the University of Richmond and at William and Mary College. He has just received appointment as University Fellow in Columbia University for the academic year 1950-1951.

RICHARD B. MORRIS is Professor of History at Columbia University. He is the author of *Government and Labor in Early America* (New York, 1946) and other studies in American colonial and legal history and is currently engaged on a study of freedom and labor in the slave states.

FRANZ L. NEUMANN, Professor of Government at Columbia University, is the author of *Behemoth: The Structure and Practice of National Socialism* (1942) and of *Montesquieu: The Spirit of the Laws* (1949). He was formerly chief of the German Research Section, Department of State.

FRANK TANNENBAUM is Professor of Latin-American History at Columbia University, and has contributed many articles to the QUARTERLY. Among his publications are *The Labor Movement* (1921), *Peace by Revolution* (1933), *Slave and Citizen* (1947), and *Mexico: The Struggle for Peace and Bread* (1950).

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

A Hook in Leviathan: A Critical Interpretation of the Hoover Commission Report. By BRADLEY D. NASH and CORNELIUS LYNDE. New York, The Macmillan Company, 1950.—xiv, 234 pp. $3.00.

Mr. Nash and Mr. Lynde have made a valuable addition to the growing literature of the Hoover Commission and its Report. The Commission, laboring purposely in obscurity throughout most of its history, announced its findings a scant eighteen months ago. Since then the Report has moved into the foreground among the domestic issues of the day. A bibliography for 1949 lists 114 entries, covering virtually every national periodical, popular and scientific, with any pretense to an interest in governmental affairs, to say nothing of countless newspaper articles and editorials.

A Hook in Leviathan squarely meets a need created by such an unusual degree of public interest. Mr. Nash and Mr. Lynde have contrived a "report on the Report", so to speak, in which a running thread of perception is entwined with a nice instinct for condensation. Still other books about the Commission may be in the making. Let us hope so, for much remains to be said on a subject so vast. But this one will be secure in its own niche as a readable and informative review profitably to be pondered by the scholar, the public administrator, and, in fact, the literate citizen in almost any walk of life.

In his introduction, Arthur Krock aptly says: "This book describes the biggest fish in the world and is written for the benefit of 150,000,000 little fishes." This homely simile matches both the book and the subject. For, just as it was meant to be, the Hoover Commission Report is primarily practical. The Commissioners were consciously grappling with the submarine monster to which Mr. Nash and Mr. Lynde refer in their ingenious title. This was based, by the way, on Hobbes's familiar reference to "the great Leviathan, which is called the State," and on this verse from Job: "Canst thou draw out leviathan with an hook? Canst thou put an hook into his nose?"

Time hardly permitted the Commissioners, confronted, as they were, with an actual and active Leviathan, to enunciate fully the nonspecific values of their work. They added up all of the Report's numerous parts simply in terms of the remedy required and rarely went further. It would be unfair to say, however, that they were insensitive to the deeper meanings of their mission. In fact, it would be hard to assemble a more sophisticated group—or one with more imposing front-

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

rank qualifications in administration, legislation and theory. But they were making a report to the Congress, after all, and it is not surprising that they left other audiences with a certain amount of arithmetic to do.

Mr. Nash and Mr. Lynde help the general reader immensely by carrying him one step past the technical provisions of the Report to a related understanding of the problems to which these provisions apply. The authors are at their best in their approach to such governmental functions as those which they wisely group in the workmanlike chapter entitled "Financial and Fiscal Aspects". With impressive brevity they render as lean meat all the Commission's recommendations of consequence in this area. Then, for good measure, they include the Report's chart of the proposed reorganization of the Treasury with Michael Fooner's neatly understandable arrangement of functional boxes connected by authoritative arrows. For many beholders this treatment will virtually suffice. But we can be grateful to Mr. Nash and Mr. Lynde for shouldering the additional task of telling *why* federal fiscal operations are more interesting than they appear to be.

In this and other ways the book is as explicit as the Report is specific. At the outset the reader is clearly notified of the concepts which govern the authors in their view of the Commission's assignment. To quote:

> It is well for the critic of government to understand precisely what is meant by economical or efficient government. After all, there is a considerable duplication of terms. Economical government should be synonymous with effective or efficient government. The end to be accomplished is the most prompt and competent execution of the policies established by Congress. Economy in the sense of a reduction in dollars appropriated and spent is only a part of the objective. Substantial dollar savings must certainly be accomplished; but greater savings, in another aspect, arise from competent, alert, and coordinated administration.
>
> Congress adopts the policies of the country; the Executive only puts them into effect. It is the competency and method of the Executive's execution which we now discuss. Whether the Chief Executive should have the power to negotiate treaties with the concurrence of a majority of the United States Senate, or with "two-thirds of the Senate present" as *now* provided; or whether the Federal Treasury should contribute to the cost of lunches for school children may well ultimately have their influence upon the efficiency of the Executive Branch of the Government, or at least on the nation itself. Such questions, however, are well outside the scope of the specifications so far set forth by Congress in any of its several studies of the organization of the Executive Branch, and also well beyond the inclination to explore of those courageous people who devote themselves to the consideration of ideal forms of administration.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Those who hold other views of the Commission's task need not proceed beyond this signpost. Mr. Nash and Mr. Lynde have accepted the definition of the Commission's objectives which the Commission itself, the Congress which created it, and the Executive who encouraged it took as a matter of course. This may bring us to some understanding of the criticisms offered by Professor Herman Finer in the highly readable and challenging articles which appeared in these pages in September and December 1949.

In an odd intermingling of disparagement and praise, Professor Finer renders a judgment upon the Report which is largely adverse. He is deeply dissatisfied with the Commission's preoccupation with the principles of "management". He finds the Report lacking in "a certain majesty of view, some philosophic vision, a lofty stature in comprehension." While praising the character and quality of the research on one page, he complains on another that "the appointment of too many cooks for the making of the reports spoiled the broth." He asserts elsewhere that "the Commission did not quite know what it wanted with the presidency" (although we then find that the kind of presidency that Professor Finer wants would, by his own admission, require amendment of the Constitution).

There are other counts in the indictment, including a complaint against the Commission's literary style, but the main charge is stated in Professor Finer's very first paragraph:

> The paramount question is, whether a multitude of neatly conceived homunculi can ever add up to one living man. This is the quintessential thought aroused by the many reports of the Hoover Commission. As we shall see, the Commission has managed to furnish interesting and important reports about the principal segments of the federal government's business, and to say much also of value regarding the subject of "General Management" as it stems from the chief executive. But anything like the picture of the hand of God awakening the whole man, as in the Michelangelo of the Sistine Chapel, has not been painted: the soul of administration is absent.

Now a search of the Lodge-Brown Act reveals nothing that would have given the Commission a warrant for doing that which Professor Finer says it failed to do. He demands, ex post facto, a search for the Holy Grail from a group of mere mortals who were specifically told by a constituted group of other mortals to hoe a certain row in a certain way and return at a given time with a certain harvest.

The Commissioners were told to make a workable thing of the presidency, not to re-create it. They were told to get the facts and make recommendations for eliminating overlapping, duplication and waste in the Executive Branch. They were told these things

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

unanimously by the Congress which also told them (somewhat ambiguously, I admit) to keep their noses out of policy.

They were told, in short, to make a management survey and that is just exactly what they did.

In the light of this fact the Commissioners may bear bravely the news that their labors fell so far short of Professor Finer's expectations. And they can take consolation from the knowledge that their Report has already risen far above any generally expected results in terms of its educational, moral and actual effect.

Directly ascribable to the Report are: (1) a defense establishment well on its way to genuine unification; (2) a better organized State Department whose communications and general effectiveness are so improved that Secretary Acheson reports that his own desk work has been cut in two; (3) a new General Services Administration consolidating four previously existing agencies into a practical medium for government "housekeeping"; (4) a new budget format which has been almost universally saluted (Representative Taber of New York dissenting) as the foremost federal fiscal advance of recent decades; (5) the creation of the President's Management Advisory Council to encourage continuously the initiation of improved administrative procedures within government; (6) a Labor Department brought at last to Cabinet stature; and (7) the launching, for weal or woe, of twenty-odd "Little Hoover Commissions" in the states and one in New York City.

Well within reach are: (1) fundamental reforms in federal personnel procedure; (2) postal reforms which will snatch 20,000 desirable jobs from the spoils system and rationalize one of the most costly and least efficient of government services; and (3) modernization of federal accounting practices without which basically sensible administration will never be fully achieved in any area of government. Not past praying for are: (1) organization of the Department of Agriculture; (2) consolidation of federal medical services with vital "economies" in the national use of precious medical skills; and (3) eventually, the restoration of order to the federal management of public lands and natural resources.

These are merely the major benefits, actual and potential, of the Report to date.

What of the future? We are informed by the Gallup Poll that some 39 per cent of Americans of voting age (roughly 37.5 millions) are today aware that there is such a thing as the Hoover Commission Report while 31 per cent have a pretty clear notion of its general purport. Of the latter, 25 per cent favor the Report, two are opposed, and four have "no opinion". Always in the past, reorganization

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

studies have exploded in an area roughly circumscribed by the Library of Congress and the Brookings Institution, reverberated in selected classrooms, and quietly died away to a faint whisper in the halls of Congress. Meanwhile the percentage of adult Americans who even take the trouble to vote in national elections has dwindled dangerously from 90 to 50, and the power of pressure groups has constantly mounted.

In the public reaction to the Hoover Commission Report we are witnessing what may be the most significant civic phenomenon of our day. It can, and conceivably may, reverse the awful trend of indifference to the responsibilities of citizenship which has gripped the nation for decades. As such it deserves our most respectful analysis.

Some part of this reaction is unquestionably a product of the times. It reflects the intrusion of big government—and big taxes—upon the consciousness of unprecedented numbers of citizens. Some part of it is owing to the processes of "public education" (including the undignified arts of publicity and ballyhoo) in which the Citizens Committee for the Hoover Report will cheerfully confess complicity.

But by far the greatest factor in preparing the ground for this phenomenon, I believe, has been the work done all through the years in our schools and universities and by allied institutions devoted to study and research in public administration and political science.

Someone, somewhere, had to labor long and patiently to interest a considerable number of active minds in the comprehension and control of Leviathan. Otherwise the public response to the Report and, indeed, the Report itself, would never have been possible. Let us hope our political philosophers will not sniff too suspiciously at their own offspring now simply because it bears the unfamiliar odors of its sojourn in the arena of public opinion and action. They can take pride in its parentage if they will take a hand in its upbringing.

I pray they may do so. The Report is still waiting to be *understood*. Its technical contents can be taught technically, as they must be, but its human, historic and philosophical values remain to be unearthed, brought forth and explained.

There is no real lack in the Report of "a certain majesty of view, some philosophic vision, a lofty stature in comprehension." It abounds in these qualities; it literally shines with them. They simply need to be evaluated and totaled by open-minded thinkers with a gift for simple arithmetic.

For example: risking Professor Finer's wrath, I will assert (and this is not my opinion solely) that the Commission's Report on "Personnel Management" amounts to a virtual magna charta in its field. Drably

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

titled and drably stated, this sector of the Report seems to be nothing more than a series of recommendations for improving the techniques of Civil Service administration. Add them up, however, and they spell (though the Commission never said so, in so many words) a whole new atmosphere of opportunity, recognition and reward for the people who work in the federal service.

Why is this important? Again, the Commission does not really say so, but what could be more important than the wise utilization of the efforts of two million souls whose effectiveness has vitally to do with the eventual destiny of 148 million souls and of the whole wide world?

The need is for searching inquiry to revitalize the " action " qualities of the Report with new injections of interpretative thought. The need is for the political philosopher's eternal " why? "

Why do we need, in these of all times, a functionally well-ordered presidential establishment even if we cannot impart immortality to any given incumbent? Because decisions of the gravest nature are being made daily by men who may lack facts or whose information and opportunity to confer may be badly coördinated. What does that mean, in terms of war or peace, progress or poverty, life or death, to the average citizen whose home and family may be wiped out by one wrong flick of Leviathan's tail?

Why do we need a unified defense establishment? Disregarding B-36's and aircraft carriers and the emotional issues of the moment, does anyone remember the Eberstadt Task Force Report? Budgeting was the dull guts of that brilliantly conceived and beautifully written document. It told us that when the three armed services were warned, in 1948, that the nation could afford no more than $15 billions for defense without endangering the economy of the nation they were assigned to protect, they went to their separate corners and came back with padded budgets that totaled almost $30 billions?

What do we learn from that? That each of the three armed services considered its part of the job to be two thirds of the whole job. Was Pearl Harbor, then, so far away in either direction? What else did the Eberstadt Task Force tell us? It told us that sheer bad organization in the defense establishment nearly brought us to the brink of war in 1946, *since* World War II. Against that fact, starkly stated, our later views of the advisability of centering authority in the Chairman of the Federal Communications Commission (or a round dozen of other regulatory Commissions) or the necessity for chasing Robert Denham in or out of the National Labor Relations Board must be brought into proportion.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Other questions equally demand asking and answering. Why should a veteran's widow wait five times as long to collect a death claim from the government as from a private insurance company? Is an attempt to remedy that situation an "attack on the veteran", as the American Legion puts it, which requires the use of "brass knucks" on Congress, which the Legion recommends? More importantly, should a veteran's wife or children (or anybody's) go unattended in a street corner accident because doctors and nurses have been drained off into duplicate veterans' hospitals, two thirds devoted to non-service-connected cases, while other federal hospitals stand empty or, worse still, half-occupied?

So far, you will note, nothing has been said of "savings" or "taxpayers" or the effect of overgrown government, bloated by pressures, on the ultimate freedom of a nation which must strongly represent freedom to the world. I gather that it is somehow academically disreputable to speak of "savings" or the political consequences of unbridled big government.

James K. Pollock of the University of Michigan, a Hoover Commissioner, ably belled that particular cat, however, at the last national session of the American Political Science Association shortly before he assumed the presidency of that body. This government, said he, has gotten "out of control" and the savings to be realized by cutting out its "frightful waste", whether they amount to $300 millions or $3 billions, "ain't hay."

Here, in simple English, is another of the lessons of the Hoover Report. Endless human, philosophical and practical "whys" abide in this document, awaiting the application of arithmetic. This must come from people who realize that the necessity for efficient and economical conduct of government, in a cold war, are greater than they are in times of armed conflict, who can bring to the drive for "better government at a better price" the same spirit and understanding which earlier motivated the blood bank or the scrap drive—and for the same reason.

In *A Hook in Leviathan,* Bradley Nash and Cornelius Lynde have pointed the way. We see on every hand convincing evidence that the study of government can be made "popular". The challenge is to the educator. He can take the philosophic heart of the Hoover Report back into the mainstream of political thought, where it belongs, by himself breasting the tide of public action, where he belongs.

CHARLES B. COATES

NEW YORK CITY

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Primer of Intellectual Freedom. Edited by HOWARD MUMFORD JONES. Cambridge, Harvard University Press, 1949.—xv, 191 pp. $2.75.

This anthology is organized to suggest a look backward along the stepping stones that have brought us to where we are today; the selections serve that purpose admirably. The most recent statement is from President Killian; the series goes back to Francis Bacon. It is in the selections that Professor Jones has shown his editorial usefulness. The introduction is good but brief; the notes on each author are guideposts. The important point made by the book is the evidence of the strength and continuity of our tradition of freedom.

The group of educational administrators who open the discussion, Killian, Hutchins, Conant, Bender, backed by scholars like Commager and Chafee, asserts that some ideas are dangerous and need to be opposed but that education is better than suppression as a weapon against them. Some of us once thought, for a brief idyllic interval between outbursts of zeal and political opportunism, that this was all understood and established. Justice Holmes states the extreme position: "I think we should be eternally vigilant against attempts to check the expression of opinions that we loathe and believe to be fraught with death, unless they so imminently threaten immediate interference with the lawful and pressing purposes of the law that an immediate check is required to save the country" (p. 41).

The nineteenth-century group is made up of Karl Pearson, Bagehot, Morley and Mill. In their contributions we have, within seventy pages, the key ideas that establish the theory of freedom for which the Western democratic Powers are now waging an ideological war. This is what has been called the "open" theory, opposed squarely to the older idea that runs from Lycurgus by way of St. Augustine, Hegel and Marx to Stalin, which is that freedom is an opportunity to live by the "truth" and be protected against any chance of deviation. The nineteenth-century liberals got out of Bacon and Milton in the seventeenth century and Jefferson in the eighteenth, all presented here, the key notion of progress in all phases of life and thought, from philosophy and science, to daily practice and politics, by the dialectic of free discussion. John Stuart Mill goes furthest with his ringing assertion that numbers confer no authority on the truth and that truths are best apprehended by way of argument.

Mill and Holmes both state doctrines that may be too austere and courageous for all but a few men in any generation. The combined arguments of Mill and his colleagues are most useful in refuting two

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

current fallacies both of which are dangerous in this country and deadly elsewhere. The first fallacy is that the right which a majority of any group has to determine practical policies includes authority over the opinions of its members. A small group can expel the heretic; a nation has a higher duty to protect and nurture its dissidents for the sake of their creative differences. The other fallacy, now being followed zealously in totalitarian countries, is that action is a substitute for discussion as a means of apprehending the truth. This was explicitly taught by Karl Marx but it is as old as naïve conservatism. The voice of Mill is the clearest and bravest on behalf of freedom as a creative principle. Professor Jones gives him good space and knows his value. Incidentally one wonders at a minor flaw; what malice led the editor to make the note on Mill the only example in the book of hinted scandal? In all these passages of sober eloquence from the whole English-speaking tradition, there is a clear faith in the noblest tenet of democracy, put explicitly by Karl Pearson (p. 75): "The first demand of the state upon the individual is not for self-sacrifice, but for self-development."

As we are daily reminded that the enemies of freedom are long-lived and relentless, it is reassuring to be reminded also that the weapons are well tempered and still powerful.

LYMAN BRYSON
COLUMBIA UNIVERSITY

The Education of Free Men: An Essay Toward a Philosophy of Education for Americans. By HORACE M. KALLEN. New York, Farrar, Straus and Co., 1949.—xx, 332 pp. $5.00.

Horace M. Kallen has devoted his life to the study of the problems of freedom with a special and recurring stress on the rôle of formal education, and with a rich and exceptional understanding of the impact of economic institutions upon cultural phenomena. The "school of education" type of educational literature is typically unaware of the enormous gap in contemporary America between education as it is administered in formal educational institutions and the total pattern of educational forces brought to bear on youth, including economic institutions, recreational patterns, religious activities and any other forces that might exercise a "formative" influence. Kallen's treatment of these topics in his chapters on the school "in the economy of free enterprise", on cultural pluralism, on consumption and production as educational forces, and on culture and vocation fills a gap in our literature and constitutes an admirable summary of a lifetime of stimulating work as a thinker and as a teacher.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

In an author who is so exceptionally aware of educational influences that escape the control of formal education, it is, however, peculiarly disturbing to discover a cultural blind spot whenever the influence of religious factors on the preservation of free society is discussed—and religious influences are discussed more or less continuously throughout the volume. Kallen begins with the assumption that "neither the conception of personality as soul nor the conception's implications—however widely and strongly they continue to be held—is acceptable to the modern spirit"—and he overlooks the fact that the rise of the "modern spirit" so defined is precisely simultaneous with the rise of the totalitarian mind. Free men—whenever and wherever men have in fact been free—were typically religious men, and it would be easy to document this statement with an encyclopedia of citations from De Tocqueville to Masaryk. Kallen would no doubt be disposed to dispute this statement—and it would have been an argument that would have fascinated this reviewer—but he can scarcely expect to have his position accepted without any historically relevant argument. There is no such argument in this book. The author tacitly assumes that the religious force that has been the mainspring of free men throughout history is synonymous with one specific ecclesiastical establishment—the Roman Catholic Church—and he argues at length—and repeatedly—that "the Soviet Republics and the Papacy make their identical and irreconcilable claims upon identical grounds." Religious education is discussed as if it were a major influence subversive of free society, and a long section is devoted to recent Supreme Court cases, including the McCollum decision, in which "the wall of separation erected between church and state by the First Amendment is once again as high and impregnable as the fathers intended it to be."

To this reviewer it is nonsense to suggest that the influence on free society of the Catholic Church in 1950 is comparable in any significant way with that of the Kremlin, and it is in any case wholly unwarranted to dismiss views such as those of De Tocqueville or Masaryk—who both stressed the dependence of free society on the vitality of religious constraint—as if they were synonymous with the "pretensions of the clergy to a superior ability to shape character and maintain morality." It is quite possible to have a healthy fear of the capacity for abuse of power in any human institution, including ecclesiastical establishments, and still to believe profoundly in the verity of the old hymn: "Make me a captive, Lord, and then I shall be free." In any case, it is impossible to deny that the idea of the hymnist was right at the core of our historic tradition of free society.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Its meaning must be understood before it can be refuted. Kallen does not even discuss it.

In the light of the historic rôle of religion in the establishment and in the preservation of free society in America and in much of Western Europe, I think it can be argued that the McCollum decision was a damaging blow to public education and to free society which may soon provoke a reaction in public opinion that may even lead to more serious consequences. The Founding Fathers no doubt were opposed to the idea of an "established church", but I find myself in complete agreement here with George N. Shuster's recent comment that "to imagine that Madison or Jefferson envisaged an American community in which it was quite all right to use educational structures for meetings of the American Legion and Young Progressives of America while denying that right to the Congregational Church, St. Aloysius' parish and the local synagogue is to indulge in the delights of a truly riotous historical fancy."

Kallen has unqualified faith in some of the recent psychological work in "firmly controlled experiments in social atmospheres," measuring what happens when children in a group live and work in a free association in comparison with their relations to one another under authoritarian rule. But Kurt Lewin's work is weak precisely because it does not allow sufficiently for the unspoken but well-understood subordination of children to adult attendants and their moral codes. It is also questionable whether "whatever success the school has had in turning the mind of American youth toward freedom has grown from the influence of the aspirations of the community on the practices of the classroom." Some of us in public education could with great ease document exactly the opposite thesis.

Kallen has written a challenging book and it is refreshing to read a courageous and explicit statement of a point of view that is often muffled in public print precisely because forces in the community are not always as tolerant of dissent as theoretical formulations of American and educational freedom would lead us to believe. This book may provoke sharp dissent from vested interests of one type or another but it needs special stress that informed readers without ecclesiastical affiliations of the type directly envisaged by Kallen will want a good deal more of reasoned and relevant argument and documentation before they can be led to accept some of the author's most firmly held convictions.

HARRY D. GIDEONSE

BROOKLYN COLLEGE

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Authority and the Individual. By BERTRAND RUSSELL. New York, Simon and Schuster, Inc., 1949.—79 pp. $2.00.

In these first Reith Lectures, delivered over the British Broadcasting Company, Bertrand Russell deals with a fundamental problem: "how can we combine that degree of individual initiative which is necessary for progress with the degree of social cohesion that is necessary for survival?" (p. 1).

Russell first considers the aggressive instincts which are our legacy from our savage ancestors, and maintains that we must now find ways of curbing these hostile impulses or diverting them into harmless channels. It is difficult to understand why Russell chose to ground his discussion of the problem of authority and the individual on the dubious theory of the innate ferocity of the primitive savage, and on the assumption that these aggressive instincts are the root cause of modern war and social disturbances.

In the lecture on "Social Cohesion and Government" Russell turns to his main problem, and sketches the historical processes by which ever wider areas have come under the control of individual states, while the degree of control of authority over the individual has become increasingly more intense. His repeated cycle of loose organization, orderly government, ossification, breakdown, and anarchy may be questioned as a general model of political development, but more serious is his underlying assumption that authority and individual initiative are antithetical, that vigor is associated with lawlessness and anarchy while the stifling of individual creativeness is the concomitant of state control. This view, an echo of the Hobbesian contention that liberty exists only in the absence of law, sets up a direct conflict between liberty and authority which cannot be validated historically.

Russell's discussion of the rôle of exceptional individuals in social progress is a defense of individuality in the tradition of John Stuart Mill. However, he notes that in our day there are new threats to the individual; the totalitarian state does not merely put the innovator to death, but totally prevents him from causing his doctrine to be known. Even in a democratic state, important achievement is almost impossible to an individual unless he can dominate some vast organization. Here again, Russell unnecessarily weakens his point by comparing our situation with that of the primitive group; he says that innovations would not put the savage "into any opposition to the community, but, on the contrary, would be welcomed" (p. 35). In light of the overwhelming evidence of the rigidity of the mores of a primitive group, this assertion must be regarded as mere romance.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Russell presents a brief but stimulating analysis of the important problems arising from the bureaucratic organization characteristic of modern society. He notes that work is no longer of interest to the worker but is merely a means to wages, and he is aware that nationalization of industry does not restore to the worker that pride in his work and that concern with his task which were associated with handicraft labor. Similarly, in large, modern states, democracy gives to only a few individuals adequate scope for political initiative and leaves the vast majority of citizens with a sense of individual impotence before the powers that be. The remedies Russell suggests are less impressive. He proposes that the management of industry be democratized by having the workers elect the foremen and managers; this is literally "economic democracy", but it is difficult to see how this proposal can be reconciled with the demands of modern industry for technical skills at each level of the hierarchical organization. In the political sphere Russell reëchoes the old cry for devolution of the powers of the state to regional and local authorities and to various functional groups. As long, however, as we are still faced with the problems which have brought about the trend toward greater centralization in government, it seems utopian to call for greater local and regional autonomy. The proposal for functional devolution raises the ghosts of corporatism and Guild Socialism.

In the last lecture, Russell eloquently defends the individual and his personal morality against excessive demands in the name of social and public duty. He reiterates his fundamental belief that ultimate value is to be sought in the individual alone, and, therefore, that politics, economics and social organization have value only as means to an end, a good life for the individuals who compose the society.

HERBERT A. DEANE

COLUMBIA UNIVERSITY

Conservatism Revisited: The Revolt Against Revolt, 1815-1949. By PETER VIERECK. New York and London, Charles Scribner's Sons, 1949.—xv, 187 pp. $2.50.

This small but admirably documented volume deals with an important subject which has rarely been given the thoughtful treatment it deserves: the Metternichian brand of conservatism and its implications for the contemporary world. Professor Viereck has performed a valuable service by attempting to popularize some of the major historical reinterpretations made possible by Heinrich Ritter von Srbik's exhaus-

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

tive and exhausting two-volume work on *Metternich, der Staatsmann und der Mensch* (1925), which has never been translated into English. Continuing in the tradition of William Langer's article on Metternich in the *Encyclopaedia of the Social Sciences* and of A. J. P. Taylor's first-rate *Habsburg Monarchy* (1941), Viereck has placed the Austrian statesman in his historical setting, and viewed his beliefs and activities in the light of the problems of his age. Far from being the ogre that nineteenth-century liberals and twentieth-century textbook writers have made him out to be, Metternich upheld a political and social philosophy of conservatism that stressed the notion of *Kraft im Recht* and the idea that "stability is not immobility."

Viereck's volume has much in its favor. It is filled with flashes of insight and written with enthusiasm and conviction. Unfortunately, it suffers from a number of major faults. Especially for so short a volume, it is often unnecessarily repetitious. Much more serious, it is marred by glaring defects of organization; the arrangement of materials within its three chapters is so chaotic at times that there can be no doubt that Professor Viereck would do well in the future to adhere more closely to an outline. It is regrettable, too, that the volume contains a number of disturbing oversimplifications and inaccuracies. It is nonsense, for example, to talk of the faith in "the masses" of liberals of the 1820's (p. 126); of "democracy and universal bliss" as the goal of the Italian and Spanish revolutionaries of 1820-21 (p. 87); of Mazzini as an advocate of "tolerant peaceful nationalism" (p. 75); of "fanatic belief" in the *Volk* as "the key factor in all German history after 1848" (p. 49); of Bismarck as having "cut short Metternich's conservative way to freedom" (p. 127); and of Bismarck as having "discovered that an anti-French crusade was the best way to unify and militarize Germany" (p. 67).

Despite its inadequacies, *Conservatism Revisited* deserves to be widely read and no less widely discussed. Especially worthy of consideration is Viereck's statement, set forth in his foreword, that "red-baiting of liberals, or fascist-baiting of conservatives, was once a stupidity. In 1949 it is a crime." Hardly less worthy of consideration is his warning that freedom-loving conservatives and liberals must work together against an uncompromising police state that seeks to destroy both. One can only hope that Viereck's thoughtfully defined Conservative Man of the contemporary world does not prove to be as mythical as the Economic Man of Adam Smith and Karl Marx.

COLUMBIA UNIVERSITY HERMAN AUSUBEL

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

An Essay for Our Times. By H. STUART HUGHES. New York, Alfred A. Knopf, 1950.—vi, 196 pp. $2.75.

The author of this short, but thought-provoking little book is a young historian who, while claiming to speak only for himself, is representative of the intellectually most searching and politically most conscious members of that generation which experienced the Great Depression in their early adolescence and reached manhood at the outbreak of the Second World War. The queries and problems of that generation show a striking parallel to the European generation born at the beginning of the twentieth century, as this reviewer can assert. For his essay which is essentially a political one, Mr. Hughes uses a historical approach, in the broadest sense of the term, for the sake of detachment and in order to include in the discussion cultural as well as strictly political considerations.

In writing and composition, *An Essay for Our Times* is an artistic masterpiece. It has all the virtues (and some of the vices) of essay writing. In less than two hundred short pages the author manages to discuss, with the help of dynamic psychology (Freud, Jung, Adler, Fromm) and of Messrs. Henry Adams, Spengler and Toynbee, the modern novel as nightmare, the transmutation of Marxism in Russia, the significance of fascism, the plight of the Center, and, finally, the position of the United States. In doing all this in such a short space, Mr. Hughes has avoided to a remarkable degree, most of the time, being either "packed full" or superficial. In spite of the intellectual brilliancy displayed, however, the essay cannot help being too short in many places (the "crisis of understanding", that is, the difficulty for the man of our age to understand the world he is living in, is dealt with in nine small pages; it simply cannot be done), or too vague. On one single page (147) we read: "The title of this chapter ["The Twentieth Century Byzantium", that is, the United States] is pure fantasy." "The cherished vision of a land of liberty has remained *somewhere* close to the facts." "*From some standpoints* the United States looks like the relics of an old society stranded in a new one." (Italics mine)

Undoubtedly the two best chapters of the *Essay* are "The Novel as Nightmare" and "The Transmutation of Marxism". Wisely evading the substantial methodological problems which the sociology of literature presents and thus skillfully avoiding many pitfalls, Mr. Hughes illustrates how the outstanding artistic creations of men like Proust, Joyce, Gide, Kafka, Thomas Mann, Camus reflect the crisis of our time, its fears and uncertainties, its recognition of the primary rôle of

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

the irrational and the subconscious in human behavior. Particularly revealing is the theme of recurrence, appearing so frequently in these novels, a theme which might be interpreted as a reflection of our machine age and its seeming senselessness, and also as a negative reaction to the Progress idea of the nineteenth century. The value of the discussion of the transmutation of Marxism in Russia lies in Mr. Hughes's ability to state very succinctly certain basic facts and factors in recent Russian history which should be—but by no means are—common knowledge and property of American public opinion; for example, the fact that the practical alternative to communism in the Russia of 1918 was not liberal or even social democracy but a military dictatorship; the impact of the fear and expectation of war on the tempo of industrialization and collectivization of Russia in the late twenties and early thirties; the non-equalitarian aspects of Russian socialism; the character of the amalgam between Marxism and Russian historical traditions and social realities; the reasons for the strong attractions of the Soviet experiment in Central and Eastern Asia. Mr. Hughes predicts other transmutations of Marxism, particularly in China, but does not quite come to grips with the potential conflict between the needs of Soviet expansionist foreign policy in Eastern and Southeastern Asia and the indigenous needs of a communist China.

The concluding part of the *Essay*, on the position of the United States, is the least satisfactory; here brevity comes home with a vengeance. The author points out what he considers several basic weaknesses of our position as the rôle of world leadership is rather suddenly thrust upon us: the emphasis in our educational system on quantity rather than quality, the absence, for better or for worse, of a leading élite, the conservative character of the United States. Unquestionably, the *Essay* would have been of much greater educational and political value, had its author discussed in greater detail at least some of the basic dilemmas facing the foreign policy of the United States; for example, that in order to be successful abroad we would have to support much more strongly forces to the left of what is acceptable at home. That dilemma cost us already dearly during the war when, as the author points out (p. 112), we missed the opportunity to come out for the non-Communist Left, and is probably also one of the causes for the failure of our China policy.

As so many other authors who try to give a diagnosis of our times, Mr. Hughes is, like the psychologist of whom he writes, more impressive as critic than as prophet. "He is rather more convincing when analyzing the world's spiritual difficulties than when proposing his cure" (p. 27). While this reviewer and many others will agree that

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

" for the present our best course is to cultivate intellectual honesty, a good temper, and a broad appreciation of the ultimate humanistic goals that unite and transcend the competing ideologies of our era " (p. 188), the tormenting question remains whether that will be enough to survive and remain free.

ERIC C. KOLLMAN

CORNELL COLLEGE
MOUNT VERNON, IOWA

The Power of Freedom. By MAX ASCOLI. New York, Farrar, Straus and Co., 1949.—xiii, 173 pp. $2.75.

This is a remarkable little book in which Mr. Ascoli addresses himself to one of the basic problems of our age: the inability of democracy to define its purposes. He approaches the problem confidently and optimistically, and leaves the impression not only that he understands the problem, but also that he thinks he has discovered how it can be solved. The reader therefore has a right, and the reviewer an obligation, to ask whether the author succeeds. This reviewer hesitates to answer the question directly, for the book is sufficiently complex to justify caution in judging it, but his general reaction is that the answer could not be an unqualified affirmative.

The book's thesis is that the position of the democracies in the present world political struggle is stronger than we think, and that this position is endangered because " our thinking about democracy has grown obsolete and cliché-ridden." The problem, therefore, is to buttress our international position by a reformulation of democratic objectives that will be neither obsolete nor cliché-ridden, and this Mr. Ascoli sets out to do.

He adopts as his core idea the concept of freedom, defining it in a somewhat novel way as the *product* of the labor of the individual and of his relation to instruments of production. The definition avoids the negativism associated with a more journalistic concept (freedom *from* something), but seems to imply the primacy of economic events —a view that some readers might wish to challenge. It has, however, the advantage of permitting a correlation of freedom and incentive, and it may well be that democracy's best selling point lies in its capacity to release human energies through incentive and to reconcile the directions those energies take by means of the political process.

Mr. Ascoli's procedure is both critical and constructive: critical in that he portrays the aimlessness of the democracies in their current difficulties with communist ideology and relates that aimlessness to a poverty of democratic ideology; constructive in that he attempts to

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

lay out the frame within which a more positive ideology might be formulated. Of the two efforts, it seemed to this reader that Mr. Ascoli had better success with the former, although this impression may derive from an attitude that the reviewer shares with a number of social scientists—awareness of the problem of inadequacy combined with incapacity to contribute to a positive and adequate formulation. To all those who share an awareness of the problem of inadequacy Mr. Ascoli is performing a real service if his book really moves in its intended direction. Whether or not it actually does is for the reader to judge.

At many points the book comes alive with keen insights into the problems facing the democracies today:

> Before the world civil war, America had been an isolated experiment, awe-inspiring, oversized and somehow incongruous. Now in order to win the world civil war, it must justify itself, its principles and its results. It must bring satisfaction to its own people in order to keep their loyalty and the respect of the world. Because it now has a competitor, it must increasingly become what it was always supposed to be: the exemplary organization of a mode of life, the focus from which men of all nations can draw orientation and strength.

Or:

> The time seems to have come when the concept of freedom for which America stands must be restated in all its aggressiveness as the necessary weapon for the political struggle in which we are engaged.

At many other points, however, Mr. Ascoli seems to oversimplify the case, to base his arguments on weak and sometimes false premises, and to state his conclusions in language, at times incisive and brilliant, but more often turgid and obscure:

> But this repudiation [of the Old World] had already been made once by every man and woman who came to live here, and when the Old World was being consumed every American in his bones knew why.

Or:

> Yet when we weave the loose threads of our doings into the texture of our individual person, then we do not lift ourselves above society but bring our fullest contribution to it.

Or again:

> If we are linked to other men, to our party, to our nation, by a common expectation, by a wish for certain happenings, and if we do something to bring about these happenings, then we do better work at our benches and at our desks.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Admittedly the citations are taken out of context, but they are fair samples of what appears to be Mr. Ascoli's willingness to generalize on matters that are scarcely universally agreed to, and that might be subject to objective determination. Participation may be at the heart of incentive, but one wonders whether we can be sure enough about it to state it as a rule.

Thus, when Mr. Ascoli comes to formulate positive criteria for judging the rightness of the directions in which we move, he does not entirely satisfy this reader. In describing the "basic world conditions that are the major prerequisites of international political order," he arrives at the kind of concrete statements that we have hoped for. His views may be correct—their reasonableness is persuasive—but one wonders whether the deductive analysis on which they are based is adequate to support them against attacks by those who might disagree.

If Mr. Ascoli's purpose was to be provocative, he has succeeded, for his book is one to stimulate thought about basic problems. But if his purpose was to illuminate his problem and add insights that would help solve it, then one may be forgiven for hoping that this book will be followed by another giving us the benefit of Mr. Ascoli's thinking with greater clarity and in greater detail.

JAMES E. RUSSELL

THE JOHNS HOPKINS UNIVERSITY

History of the National Economy of Russia to the 1917 Revolution. By PETER I. LYASHCHENKO. Translated by L. M. Herman. Work translated under the Russian Translation Project of the American Council of Learned Societies. New York, The Macmillan Company, 1949.—xiii, 880 pp. $13.00.

Lyashchenko's is possibly the only book devoted to Russian economics, various Russian editions of which stretch from the 'twenties to the 'forties and therefore fully reflect the gradual enslavement of research in the U.S.S.R.

Peter Ivanovich Lyashchenko, now 73 years old, is a Bolshevik from far back in Czarist times, but a true scholar with fundamental knowledge of the problems which he attacks. Lyashchenko was the first to analyze Russian grain production and marketing with the use of all available statistics. It so happens that the long research career of this reviewer as a cereal economist began with a thorough study of a book of Lyashchenko's, published in 1908. Lyashchenko made contributions to other important economic problems, and was fully qualified to undertake the writing of a history of the Russian economy.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Lyashchenko's *History of the National Economy* starts as far back as the lower Paleolithic Age and extends to the 1917 Revolution. The first two editions of it (1926 and 1930) must be classed as a valuable contribution. So far as differences of appraisal existed, Lyashchenko truthfully followed the Marxist or specifically the Bolshevist interpretations, and the publications written in this vein were given greater prominence in bibliography and quotations than those of the opponents. But the opposing opinions were not concealed, and practically every important study was quoted or at least listed in the extensive bibliography.

The 1939 edition was substantially enlarged. Additions were made of a regional section and a number of valuable charts. But the principal difference was in the Stalinization. Before this reviewer undertook to compare the 1930 and 1939 editions, he expected that the changes would be limited to the latest period since about 1883, when Marxism came to Russia, and specifically the time immediately before the Revolution. But it turned out that the book was being prepared for the press at the time of, or shortly after, the famous 1936-38 purges, and Lyashchenko, whether in sympathy with this or not, had to do a thorough job of revising in order to see his book published.

This is at once apparent from the bibliography. The deified Four (Marx, Engels, Lenin, Stalin) were brought far in the foreground, while dozens of authors who are an inseparable part of Russian economic history fell by the wayside. The adherents of the Populism faction were apparently those who suffered the greatest losses.

The bibliography to the Introduction of the second edition (1930) did not refer to Marx, Engels or Stalin; only one of Lenin's books was mentioned among a couple of dozen of others (pp. 15-16). But the corresponding portion of the 1939 edition starts with a page-long enumeration of the works of the deified Four, with the indispensable *Short History of the Communist Party* thrown in. An abbreviated list of the publications quoted in the second edition follows this (pp. 785-87). All through the big volume citations were affected by the revisions not less, but even more, than the bibliography.

The first chapter (on " Primitive Economy ") does not in the 1930 edition (pp. 17-56) contain a trace of the Big Four. The first chapter of the 1939 edition starts with the section, " Marxist-Leninist Classics on Primitive Society ". The first six citations are from Marx, Engels, and, incredible as it may seem, the *Short History of the Communist Party*.

The informed reader knows that Marx had not even the *smallest*

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

connection with research on the founding of the Russian state. Yet chapter v of the 1939 edition, dealing with Kiev Russia in the ninth to the twelfth century, starts with a section, "Marx on the Foundation of the Kiev State" (pp. 96-99). No historian needs Marx as authority that the drive to the Black Sea in the eighteenth century was for "the opening of a direct passage to Europe", or the uneducated Stalin for explaining the reforms of Peter the Great (p. 267).

With reference to one of the major events in Russian history, the Emancipation of the peasants in 1861, Lyashchenko's opinion is that serfdom outlived itself by the time Emancipation came. The edition of 1930 mentioned that, in the appraisal of Struve, serfdom was neither economically nor politically ripe for liquidation, and that the reform was an act of wise and enlightened absolutism, in anticipation of future developments. Dissenting opinions of "Pokrovskii, Rozhkov and others" were also mentioned (p. 267). All this disappears from the 1939 edition; there is only one opinion left. This reviewer does not intend to take sides. It suffices to say that P. B. Struve outclasses Lyashchenko as a scholar, and the other dissenters were at least on a par with him. "Revisions" of this sort naturally multiply as one nears the October Revolution.

The latest edition of Lyashchenko's study is that of 1947 and 1948 in two volumes. It is to such an extent further distorted that one wonders if Lyashchenko got a great deal of help in the work of Stalinization, post-war brand; or if possibly the revision was made by others in toto. Fortunately the 1947-48 edition had not reached America until the translation of Lyashchenko's 1939 book was far advanced.

On the title page of the English edition, one finds under the name of Lyashchenko, "Corresponding member of the Academy of Sciences of the U.S.S.R."; the folder has more of such information. There is nothing of this in the Soviet publication. The reader may not be familiar with the fact that the Institute of Economics of the Academy of the U.S.S.R., with which Lyashchenko was and probably is still connected, is the former Communist Academy, dumped into the Academy of Sciences in the 'thirties, that many publications of this Institute do not differ from those of the Propaganda Office of the Communist Party, and that some of those publications have even been released by the publishing house of the Propaganda Office of the Communist Party.

As stated in the folder, the series in which the English translation of Lyashchenko's book appears is undertaken with the thought that "it is only from books written by Russians and for Russian readers

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

that Americans can obtain an adequate understanding of the Russian's conception of citizenship, of the Soviet Constitution, of the role of the state, of Russian life and culture." This reviewer disagrees emphatically with the idea that one can get an understanding of "Russian life and culture" from publications which, although published for the Russians, are written strictly in conformity with the changing recipes of the Political Bureau. However, study of Stalin and the Stalinists (not to be confused with Russians) is vastly important. The translations, for example, of the book on law published by the Council under Vyshinskii's name, and of similar publications, are certainly to be welcomed, although the utilization of any Soviet publication requires very careful handling, because of the prevalent terrific misrepresentation of fact. But a distorted history of the Russian economy is unlikely to serve any useful purpose.

If the Council of Learned Societies wished to give American students an opportunity to study Russian economic history, the translation of the second edition of 1930 would have been more appropriate. The Council would have rendered a very great service if it had translated both the 1930 and 1939 editions, or even the 1930, 1939 and 1947-48 editions. It would thus have given American students unfamiliar with the Russian language the possibility of studying Stalinization of research in its two most important phases. This reviewer has some knowledge in the field covered by Lyashchenko. Yet he can discover distortions in the later editions only by comparing them with the earlier ones or with other material inaccessible to persons unfamiliar with the Russian language. On the basis of the 1939 edition alone, it will be almost impossible for such persons to distinguish between the real economic history and Stalinization of it, between the wheat and the chaff.

NAUM JASNY

SOVIET ECONOMICS STUDY GROUP
FOOD RESEARCH INSTITUTE
STANFORD UNIVERSITY

The Rome-Berlin Axis: A Study of the Relations between Hitler and Mussolini. By ELIZABETH WISKEMANN. New York and London, Oxford University Press, 1949.—xvi, 376 pp. $5.00.

The writing of history may be undertaken with either of two wholly divergent approaches. The stress may be placed on the deep forces at work over prolonged periods of time, with the consequence of minimizing the rôle of individuals and their specific actions; or one

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

may concentrate on the detailed course of a narrowly circumscribed situation, in which case concrete events and those responsible for them will loom proportionally larger. This book is definitely of the second kind, with the shortcomings and advantages accruing to such treatment, easily drifting at times into the one-man-alone interpretation.

It is safe to predict, however, that the perspective of time will not detract from the importance of the weird personality of Hitler and the stranger phenomenon of such an individual gaining control of what had generally been conceded to be a highly civilized modern Western nation. Historians and psychologists have here a dependable perennial for debate.

The problem of Germany, in her own eyes, was essentially simple and well defined, being that of regaining the lost status of major factor in European and world affairs. Italy, on the other hand, because of the much smaller degree of her power, has usually profited by the existence of a balance of power in Europe, a situation which the First World War temporarily destroyed. Considering the situation in this light, Italian support for a considerable measure at least of restoration of German power did not need the existence of fascism to account for it. Also, relations between the Germanic and the Italian worlds have long roots in past centuries, and the Axis phenomenon might be regarded as an episode in that story, additional confirmation of the observation that, more often than not, the results of the association have been detrimental to both partners.

Particular interest is given to the Axis episode by the personalities of Mussolini and Hitler and the unprecedented and catastrophic consequences of their partnership. If one allow the fundamental fascist premise of disbelief in the order best typified by the League, Mussolini's solution of a directorate of Europe embodied in his proposed Four Power Pact of 1933 will appear wholly consistent and rational. In keeping with past Italian policy, it did not follow that Italy would tolerate the *Anschluss:* in 1934, she was the most, if not the only, effective opponent of it. And her subsequent Abyssinian adventure, far from being arranged with German connivance, was designed to cash in some advantages *before* German power should grow to such proportions as to make it desirable to be able to concentrate her forces in Europe. Again, in this context, the agreement of 1935 with Laval is intelligible.

But precisely at this point there manifest themselves the fundamental vices which were to prove Mussolini's and fascism's undoing. Hitler seems to have genuinely admired Mussolini, not even holding

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

against him the usual German grievance for Italy's *verrat* of 1915. Mussolini, on his side, was flattered by what he considered the German imitation of fascism and, when his unreasonable interpretation of the Laval agreement caused relations with the Western Powers, France in particular, to turn sour, he allowed himself to drift into the partnership which he should have known could only lead to his subordination. Thus the Axis was born.

For all his bombast and seemingly determined attitudes, Mussolini was always an undecided man, ever troubled by doubts once decisions were made, wholly different in this respect from Hitler who knew no such weakness and hence, even in the narrow personal sense, came to dominate the association. Another aspect of this indecisiveness, added source of weakness, was the fact that, self-appointed exponent of the "New" though he was, Mussolini was also troubled by remnants of the European heritage of rationality. He, no more than Western statesmen, could take in the more fantastic aspects of the Hitlerian program. But, having assumed the rôle that he had, the picture that emerges of him is one that inevitably calls to mind the epithet "sawdust Caesar". Yet this state of affairs raises an important question: if the remnants of rationality, like the revulsion toward German brutality, may be counted a credit in the Italian ledger, is there not a correspondingly enhanced responsibility for the very large share in letting the Nazi nightmare loose on Europe?

The contemporary tendency toward market-place diplomacy, plus the war trials and the usual desire of many people to tell their version of events, have furnished a vast amount of material[1] that Miss Wiskemann has used with judiciousness and skill in telling her story—an often dramatic one that induces at times a combined reaction of fascination and nausea: how could all this happen in our world and our time? This account may be considered an up-to-date version of the story of the gruesome partnership—as of 1949 that is—for, as the author realizes, "it is a labour of Sisyphus to attempt to write about recent events." The stress on the Nietzschean influence, in the case of both Führer and Duce, gives the story a plausible pattern of consistency which makes for literary quality but which, historically, may be open to some question.

RENÉ ALBRECHT-CARRIÉ
BARNARD COLLEGE

[1] Miss Wiskemann has presumably had access to material (see p. xiii) which is also available in the files of our own State Department but which, apparently, it is not at present intended to put to the same use as the material of German origin.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

The Struggle for Democracy in Germany. Edited by GABRIEL A. ALMOND. Chapel Hill, The University of North Carolina Press, 1949.—viii, 345 pp. $4.00.

Today, well over four years after the end of World War II, Germany still remains at the center of European problems. There seems to be good reason for concluding, epecially since the collapse of the Conference of Foreign Ministers in London late in 1947, and in view of the deepening cleavage between the West and Russia, that the German problem will remain unsolved for some time to come. One aspect of it has come to be the problem, quite familiar by now, whether the Western Germany of the years that lie immediately ahead will become a part of the Western line-up or will fall into the Russian orbit.

The very fact that such a phrasing of the German problem has become natural and, indeed, inevitable indicates the distance we have traveled since 1945. At that time the main objective was, speaking broadly, to eliminate Germany's capacity to wage war, and, secondly, to see to it that a democratic Germany, devoted to the arts of peace, would emerge from the ruins of defeat. The former objective is today quite secondary, while the latter continues to concern us.

This book, written by the editor and six collaborators who know Germany well enough to write with authority (they are, in the order of their appearance in the book: Eugene N. Anderson, Wolfgang H. Kraus, Fred H. Sanderson, Hans Meyerhoff, Vera F. Eliasberg and Clara Menck), helps the reader to understand the German question by appraising the liberal and democratic tendencies before 1933 and their survival in the resistance movement after Hitler came to power, and by offering an evaluation of Allied occupation policy and its results. More specifically, one chapter is devoted to "Freedom and Authoritarianism" in German history, two chapters deal with the resistance movement under the Nazis, and four delineate the economic, political and other aspects of allied occupation policy since the end of the war.

The over-all impression left by this useful tome is that of careful, balanced and objective analysis. Yet it raises a number of questions, and at some points invites dissent. Eugene A. Anderson's historical treatment of "Freedom and Authoritarianism" may be cited as an illustration. He remarks, quite correctly, that "Taken as a whole German historical tradition is rich enough to supply evidence in support of any thesis about the German people" (p. 4). Having thus stated a view, perhaps in a somewhat extreme form, that can hardly be seriously challenged, Professor Anderson offers a summary of Germany's evolution since the 1860's which seems to this reviewer to dis-

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

regard a part of his own observation and to stress unduly the importance of Bismarck and his period in setting in hard and unchanging mold the " essential characteristics " of Germany and her people. On the whole, however, Professor Anderson has managed to touch, in an informing and provocative manner, upon aspects of Germany's development since unification that no student can afford to ignore.

The major portion of the book, devoted to occupation and reconstruction problems since 1945, is a well-written, sensible account. The authors responsible for it have no doubt done as well as any serious and competent students can be expected to do. The end result of their discussion appears to be the conclusion, obvious by now, that neither in economic or political reconstruction, nor in the exceptionally difficult effort at " re-education ", has much of real importance been gained to date. The basic reason may well be not so much hesitation and misdirected effort on the part of the Americans and the British, but rather the magnitude and complexity of the problem itself. Whatever the final judgment regarding this question will be, Gabriel Almond and his colleagues have produced a tome that ranks among the " must " books dealing with post-war Germany.

JOHN H. WUORINEN

COLUMBIA UNIVERSITY

The English Utilitarians. By JOHN PLAMENATZ. With Mill's *Utilitarianism* Reprinted. Oxford, Basil Blackwell; New York, The Macmillan Company, 1949.—228 pp. 10*s.* 6*d.*; $2.25.

The utilitarian doctrine or theory of utility is aptly described by the author as the " greatest English contribution to moral and political philosophy ", and John Stuart Mill's famous essay was its last outstanding formulation. The essay has been frequently reprinted, but the present volume has the advantage of an introductory systematic survey of the origin and growth of utilitarianism—a survey three times the length of Mill's essay. Individual chapters are assigned to those generally considered the most important figures in the movement; namely, Hume, Bentham, James Mill and his son John Stuart Mill. In addition the author discusses at some length Hobbes, Locke, Helvetius, Beccaria, Paley, Burke, the " radical utilitarians "—Paine and Godwin—and he even has a chapter on " Utilitarianism and the Classical Economists " which is devoted to Smith, Malthus and Ricardo. Thus, the author encompasses the manifold aspects of the school, from its philosophical and psychological foundations to its theories of government and economics.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

It has always been difficult to define the utilitarian doctrine in a manner which would competently cover its variegated adherents and interpreters. The author makes a brave attempt at a "short definition", which comprises four propositions, and then urbanely adds that "like every other fashionable doctrine utilitarianism can be adapted to suit a great variety of temperaments."

The author is at his best in treating the main tradition of utilitarianism. He calls attention to the seldom noted Hume-Bentham view that the "stability of property is to be maintained in order not to disappoint the expectation which it has created." This doctrine of expectations at the same time formed the basis of many of the reforms advocated by the Benthamites, notably in their demands for the liquidation of sinecures and tithes. And James Mill went so far as to suggest that the most desirable financial support of government might be from the future increase of rent, for the "rent upon which the expectations of individuals are founded . . . is the present rent."

James Mill is rightly treated, not as a mere follower, but as a co-guide with Bentham, of the "Philosophical Radicals". As David Ricardo, the outstanding economist of the group, wrote to Francis Place: "I like you am a disciple of the Bentham & Mill school."

Plamenatz' discussion of John Stuart Mill is notable for its moving, sympathetic account of his essay, *Liberty*. It also helps to explain the cry of reformers in the last quarter of the nineteenth century that they appealed from Mill the political philosopher to Mill the economist.

Certain minor objections might be raised to Plamenatz' survey. In his discussion of the classical economists, he seems to have been too deeply influenced by Halévy's great work, *The Growth of Philosophic Radicalism*, especially in describing Malthus as an optimist in contrast to Ricardo with his "gloomy prophecies". On the other hand, his generally lucid critique of Bentham's celebrated "felicific calculus", or rules for measuring the value of pleasure or pain of an action, appears to falter when it goes beyond the leads of Wesley C. Mitchell's famous paper, "Bentham's Felicific Calculus".

The reviewer wishes that the author had given more than a passing reference—and a somewhat inaccurate one at that—to *An Inquiry into the Original of Our Ideas of Beauty and Virtue* by Thomas Hutcheson, Adam Smith's teacher. Bentham doubtless owed the inspiration for the "felicific calculus" to Hutcheson's more elaborate application of "mathematical calculation to moral subjects." And the presentation of the more philosophic-minded Hutcheson throws considerable light on Bentham's position: to take the principle of

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

utility as the sole "postulatum" and then to "travel on . . . with metaphysics and mathematics, for our guides". Furthermore, the features distinguishing John Stuart Mill's version of utilitarianism from that of Bentham largely derive from Hutcheson's proviso that "dignity, or moral importance of persons may compensate numbers", in his utilitarian formula: "that action is best that procures the greatest happiness for the greatest numbers."

In general the survey is a valuable addition to our knowledge of a school of thought that is one of the greatest sources of the major ideas of our own age. Not least of its merits are its incisiveness and literary style. Even when the author overstresses a point, he is suggestive and witty; for example: "The classical political economy was the theory behind the advice given by utilitarians to the successive governments of their country. As they all gave different advice, they quarreled about the theory and so were obliged to take more notice of each other than the government took of them."

JOSEPH DORFMAN

COLUMBIA UNIVERSITY

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

BOOK NOTES

As the first full-length exposition of an important concept in the field of unemployment compensation, *Availability for Work* (Cambridge, Harvard University Press, 1950; xv, 350 pp. $4.50), by Ralph Altman, Appeals Analyst of the Federal Bureau of Employment Security, is a timely aid. Availability, one of the most important conditions of employment compensation eligibility, means a readiness, willingness and ability to work. Rulings of unavailability are more numerous than any other type of benefit disqualification, and many of these, if not most, involve claimants who assert a willingness to work. This willingness, however, is frequently conditioned by factors such as a minimum acceptable wage, a physical disability, or a desire to work on a certain shift or for specified hours, on a part-time basis, for a specific employer, in one industry, or in a union or nonunion shop. And finally, there remains the question of whether the willingness has been demonstrated by an ample, individual job hunt. The rationales of the answers are not consistent despite their inclusion under the common rubric of availability. Mr. Altman surveys the field and examines the numerous administrative and court decisions on the subject, pointing out in which respects these, in his opinion, leave something to be desired. He discusses the labor market and the labor force, the relative immobility of workers between occupations, industries and areas, the search for work and for workers, their ability to work, their restrictions as to hours, wages and job location, and the special problems raised by students, seasonal and female workers, and the self-employed. (There is no table of cases.) He correctly disapproves of the legislative requirement now in force in approximately twenty-two states that all claimants must make an individual search for employment as a condition to their eligibility. He suggests that such a search should be required of some claimants and not of others, depending on the circumstances of the case. Where the search is required, he says that it should be guided by the public employment offices and that claimants should be counseled there on how best to secure a job in keeping with their training and experience. Mr. Altman's fundamental approach is one of de-emphasis of the availability requirement; in his opinion, availability "is a generalized kind of test" (p. 259) ". . . [and] is not designed to measure eligibility in fine gradations. . . . The fine sieve is the work offer" (p. 113). Many administrators and hearings officers will contend on the basis of their experience that the

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

average disqualification for refusal of employment is as unlikely to measure eligibility in fine gradations. He suggests a presumption of availability arising from a claimant's prior working history as well as his registration with the employment office. It would appear that utilization of technical presumptions may pave the way for the imposition of a burden of proof, a burden which he points out elsewhere has no place in a claimant's benefit proceeding. Despite these and other caveats, however, students and technicians in the field will be grateful to Mr. Altman for his contribution to the subject. He has rendered a considerable service in examining and restating the many policy considerations underlying the availability requirement. A correct understanding of the problems it has raised is vitally necessary to insure that unemployment compensation is paid only to those who are unemployed through no fault of their own.—SIDNEY SCHINDLER, New York City.

Published under the auspices of the Council on Foreign Relations, the *Political Handbook of the World: Parliaments, Parties and Press as of January 1, 1950*, edited by Walter H. Mallory (New York, Harper and Brothers, 1950; 224 pp. $3.50), is now in its twenty-third year; and it remains as valuable a volume as ever for political scientists, historians, journalists and laymen who seek background information for what James Harvey Robinson and Charles Beard used to call "the foreign news in the morning paper." Jammed with an almost unbelievable number of facts, the *Handbook* is useful mainly for three reasons. It contains brief sketches of recent political developments in most of the countries of the world; and while these sketches are sometimes unduly uninterpretive, they are generally straightforward, clear, and well informed. Secondly, the volume contains descriptions of the platforms of most of the world's political parties. Fortunately, these descriptions are as a rule much more meaningful and accurate than the hopelessly antiquated characterization of the British Liberal party that somehow managed to escape the attention of Walter H. Mallory, the editor. Finally, the volume lists the more important newspapers and periodicals of the different countries of the world, giving their political affiliations as well as estimates of their circulation. No doubt about it, this is a volume that the Council on Foreign Relations would do well to keep revising and republishing. In view, however, of the impact that economics has been having on the politics of the contemporary world, it might be worth while to include in future issues of this political handbook some pertinent economic material.—HERMAN AUSUBEL, Columbia University.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Much of the most valuable literature on recent British government consists of articles in periodicals not easily available to large numbers of students. *Readings in British Government* (Toronto, University of Toronto Press—Saunders, 1948; xxiii, 443 pp. $5.25), edited by Elisabeth Wallace, Lecturer in Political Economy in the University of Toronto, represents a successful effort to make readily accessible a number of such articles, as well as some selections from monographs that are out of print and a few extracts from Hansard. The materials are presented in eight parts entitled respectively "The Party System", "The House of Commons", "The House of Lords", "The Crown", "The Cabinet", "The Prime Minister", "The Civil Service", and "Local Government". In an introduction the editor analyzes some of the major ideas underlying the discussions contained in the readings, and a select bibliography of books on British government is appended.—R. L. SCHUYLER, Columbia University.

Rare is the university scholar who becomes head of a modern state and rarer still is the book by such a man which is worthy of review in the POLITICAL SCIENCE QUARTERLY. Both the man and the book before us are indeed unique. Luigi Einaudi, chosen President of Italy in 1948, has distinguished himself as a historian of Italy's economic life, as a professor at the University of Turin, as a journalist, as one of the few Italian professors who refused to bow to Fascist authority, and as Governor of the Bank of Italy. Perhaps more than any other person, he is responsible for Italy's present moderate economic policies and for the loyal manner in which Italy has endeavored to achieve the economic goals envisaged by the Marshall Plan. The book which President Einaudi published during the summer, *Lezioni di politica sociale* (Torino, Giulio Einaudi, 1949; xviii, 252 pp. 1000 lire), is composed of a series of lectures which he prepared for and in part delivered to Italian refugees in Switzerland in the midst of World War II. His analysis begins with a description of the self-regulating market of the nineteenth century and continues with an explanation of how this self-regulating market has become controlled in one way or another. As his story progresses, the broad social sympathies and benevolent Catholicism of the author become apparent. He passes judgment on all kinds of social questions—demography, social insurance, trade unionism, and a host of others. Throughout he clings, however, to the fundamental concept of private property and the profit motive, and to a profound conviction that individual liberties in a free society are essential to the happiness of human kind.—SHEPARD B. CLOUGH, Columbia University.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

That increasing awareness upon the part of law school educators of the need to relate the social sciences to the legal curriculum in order to prepare lawyers to assume effective rôles in a democratic society is impressively demonstrated by *Cases and Readings on Law and Society,* edited by Sidney Post Simpson and Julius Stone, with the collaboration of M. Magdalena Schoch (St. Paul, West Publishing Co., 1948; 3 vols. xlvii, xliii, xlii, 2389 pp. $7; $8; $7). In scope and purpose this collection ranges far beyond the traditional boundaries of jurisprudence and would seem appropriate to the needs of the kind of pioneer seminar on law in society which Karl Llewellyn introduced at the Columbia Law School back in the 1920's. The coverage is ambitious, including materials going as far back as Hammurabi's Code and as far forward as the proceedings of the United Nations Commission on Atomic Energy. Such diverse legal systems are illustrated as the Ashanti of the Gold Coast, the Cheyenne Indians, the ancient Romans, the medieval Russians, and the modern totalitarians. In fact, the variety of materials from areas of cultural anthropology, sociology and economics which are included constitutes a formidable challenge to the law school teacher. To make meaningful the relationships of this rich harvest of sources to orthodox legal situations one would seem to need an interdisciplinary scholarship and perception of the first order. The materials illumine the rôle of law in primitive society and in the capitalist world, the legal interests pressing and secured in democratic society, and the impact of totalitarianism upon legal trends. Among the more provocative sections are those treating the problem of social control under democracy and collectivist trends in contemporary Western life. Both the psychological and economic implications of freedom are probed. If there is any theme in the three massive volumes it is perhaps most pithily summarized in the last extract from Whitehead in which the paradox of instability in civilization is considered, with the slight reassurance that " on the whole, the great ages have been unstable ages." A generation of lawyers fed such a rich and varied diet is unlikely to succumb to what Justice Cardozo called an " insularity of mind that perceives in every inroad upon habit a catastrophic revolution."—RICHARD B. MORRIS, Columbia University.

Josef Esser, author of *Einfuehrung in die Grundbegriffe des Rechtes und Staates* (*Introduction to the Basic Concepts of Law and State*) (Vienna, Springer-Verlag, 1949; xvi, 341 pp. $6.60), is professor of law at the University of Innsbruck, and his work is the result and condensation of his lectures on the science and philosophy of law.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

His courageous fight against the abuse of legal constructions for the purpose of wielding the state power without any restrictions caused the publication of his original manuscript to be delayed until the fall of nazism. The book represents a masterful argument for the natural law and reasons from a noble standpoint against the school of positivism and the famous theory of the "basic norm" (Kelsen). Although many cases and rules are quoted which pertain directly to the laws of Germany, Austria and Switzerland, it must be said that the book is written for everybody who is interested in the interconnections of law, ethics and the structure of human society. It is divided into five parts. Part I is The Essence of Law and State. Any reader will especially enjoy the subdivision (3) dealing with the *Stilgeschichte* (History of Style) of law and state and subdivision (4) explaining the theories and forms of the state. Every American student will find much help and much encouragement for further research in reading Esser's masterful explanations of Hegel's dialectical idealism compared with Manchester liberalism, positivistic and Marxian materialism. In these chapters quoted, the experienced teacher and lecturer speaks to the beginner who is anxious to learn and to the colleague who desires to revise his material. Part II is essentially a list of the possible sources of law with the author's comments, and the reviewer enjoyed in particular Esser's description of the problem of reference, fiction and conflict. Part III contains the doctrines of objective and subjective law, of liability, execution and interpretation of law. This part is definitely the most complicated and requires a certain understanding which the student may have achieved when he will have arrived at this chapter of the book. It is interesting to see how a good educator leads the beginner as well as the expert from a comparatively easy start into the deeper waters of knowledge. Part IV shows the competence of authorities—administrative as well as judicial—and the Romanistic grouping of the fields of law in Central Europe. In spite of this territorial restriction, the chapter might prove to be very interesting for American readers in view of the contacts of occupational forces with German and Austrian judicial and administrative authorities. The fifth part gives an excellent survey of legal professions in Central Europe, and deals at its close with the technic of studying law. These last paragraphs of the book will be read with good advantage by students and with some amusement by professors of law in this country. An excellent index of the German legal terminology with definitions is to be found on the last pages.—Robert Rie, Bradley University.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

A posthumously published work of A. J. Eagleston's, *The Channel Islands under Tudor Government, 1485-1642* (Published for the Guernsey Society, at the University Press, Cambridge, 1949; New York, Cambridge University Press, American Branch, 1950; xii, 194 pp. 21s.; $3.75), is, as the subtitle suggests, *A Study in Administrative History*. This book should be of interest not only to the Channel Islanders and to those who are concerned with imperial history, but also to all interested in the type of government established by the Tudors which continued with little change until 1642. The author was eminently qualified to make such a study, for from 1913 to his retirement in 1932 he was an Assistant Secretary in the Home Office and for some years in charge of the division responsible for the Channel Islands. While this fact enables the author to inject into his book a greater sense of actuality, it no doubt was largely responsible for his giving the "Whitehall" point of view of the many controversies that arose between the Royal Governor and the Islanders of Jersey and Guernsey. The study is essentially the chronological account of these differences, which were probably inevitable in a system where no specified salary was paid the governor whose income depended solely upon the taxes collected. Often from these disputes arose problems of a constitutional nature. In these disputes, one can see in practice the efficient functioning of the Privy Council under the Tudor system. The attention to detail by the Council and its practical common sense excite the reader's admiration. Those qualities are particularly evident in the Council when dealing with the Reformation in the Islands. As the two islands seemed to alternate in their conflicts with the home government, the attention of the reader is drawn first to one and then to the other. Only in the last chapter is there an attempt to draw together any general conclusions. The interesting style of the author prevents the continuous recital of disputes from becoming tiresome. These disputes are so treated that one feels that he is reading about contemporary people and problems, which impression is enhanced by the translation of sources into modern English except where the Tudor English or Norman French is amusing and easily understandable. Mr. Eagleston succeeds in interpreting the documents in such a way as to render the official terminology interesting to the layman. On reading these documents one is impressed by the Council's able diplomacy. While the work makes no claim to comprehensiveness (p. v), the reader feels that a somewhat fuller explanation of the social and economic causes of these differences would have been helpful.—REGINALD E. RABB, The City College of New York.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Historians of the Old South have long sought some unifying principle which binds that widely diversified region into a single entity. Some have found it in climate and geography. Some have seen it as the determination to maintain white supremacy. Others go back to certain social ideals, inherited from England, which always constituted the basis of Southern values. In *A History of the Old South* (New York, The Macmillan Company, 1949; viii, 636 pp. $7.00) Professor Clement Eaton rejects each of these and offers as the integrating theme " the emergence of a regional culture, created by all classes of Southern society rather than by an elite, aristocratic group." The matter of a " central theme ", however, seems to make little difference either in the material presented or in the emphasis given. The work begins with a discussion of " Southern land and Southern blood ", which stresses the peculiarities of the Southern terrain and the distinct characteristics of Southern population. It moves through the colonial period to stress the rise of " a native aristocracy " based on planting and forced labor. It does not depart from the thoroughly orthodox treatment of the South in the Revolution, in its expansion into the west, or in its development as a conscious section in the years after 1820. In other words, Professor Eaton's volume is important not for any new contributions but for its full and well-rounded treatment of every phase of Southern life. In comparatively brief space the author has succeeded in presenting the essentials of the Southern story and has done so in highly readable English. Economic and social affairs are especially well handled. The materials dealing with agriculture are carefully selected to reveal the exhaustive methods of early days and the equally important moves toward reform in later decades. The weaknesses of slavery as a labor system are stressed, but its social implications are dealt with as a separate problem. That is a decided improvement over most works in the field. While statistics are not neglected, the social and sectional importance of Southern manufactures is given larger prominence and their relationship to the so-called Southern movement noted. The chapters on education, religion and literature are necessarily brief but offer an excellent survey of conditions and developments. To those who have thought of these phases of Southern life as arid and bleak, Eaton's materials will come as a distinct surprise. The political side of the Old South is not so well done. The author's grasp is none too firm and his effort at balancing opinions confuses and weakens. It would be very difficult for the average reader to form any clear opinion as to why the Southern states seceded in 1860-1861 or whether his conclusion that secession was

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

not the work of a handful of leaders is sound or not. That economic interests were involved is not even suggested.—AVERY CRAVEN, The University of Chicago.

The latest biographical study of South Carolina's "Great Nullifier"—*John C. Calhoun: American Portrait* (Boston, Houghton Mifflin Company, 1950; xii, 593 pp. $5.00) by Margaret L. Coit—is warmly written, and contains interesting material on Calhoun's youth, his studies at Yale, his family life, and his personal fortunes. Calhoun's experiences as Secretary of War, Vice President, Secretary of State, and Senator from South Carolina are described in detail and with sympathy for the cause which he championed. However, the reader may well be disappointed with the author's evaluation of Calhoun's political treatises as "perhaps the most powerful defense of minority rights in a democracy ever written" (p. 518). Miss Coit suggests that Calhoun's theory of the concurrent majority was designed to protect the right of a community to choose and enjoy its own way of life, "regardless of the majority pattern" (p. 521). It is questionable, however, that any group has the right to determine its own way of life. Can an individual or group with impunity commit murder, hold slaves, or employ children in coal mines? Which of these activities can be considered a "minority right", valid against majority opinion? It is obvious that the extent to which social control should be exercised cannot be determined solely by the individuals whose actions pose the problem. The implications of Calhoun's "defense" of minority rights were brought out in his speech of March 4, 1850. "Justice", he claimed, requires that the North must concede to the South equal rights (that is, slavery) in the territories, that the North must give up fugitive slaves, and must also "cease the agitation of the slavery question" (p. 494). If one believes, as does this reviewer, that the only right which can be claimed by a minority in a democracy is the right to become a majority by resorting to all the arts of persuasion which are nurtured by a constitutional system, then Calhoun's demand for repression of free discussion was destructive of democratic liberty. It is also difficult to agree with Miss Coit's conclusion that representation of interests along the lines indicated by Calhoun might serve to protect minority rights in modern America more effectively than does our present system of government by "extra-legal" pressure groups. "Calhoun, by regularizing and embodying in law these inevitable minority aspirations, would have made them at once more effective and more controlled" (p. 530). But

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

modern democrats will see little of value in the philosophy of a man who hated criticism, scorned doubts, and feared change. If one accepts the desirability of free inquiry and the consequent possibility of social change (Calhoun, of course, did not), then even our present reliance upon pressure groups is preferable to the scheme of interest representation and concurrent majorities urged by the author.—BERNARD E. BROWN, The City College of New York.

The following volumes in COLUMBIA STUDIES IN HISTORY, ECONOMICS, AND PUBLIC LAW have recently been published or are in press.

557—*The German Social Democratic Party, 1914-1921.*
By A. JOSEPH BERLAU. Price, $4.75

558—*The Attitude of the Congress of Vienna Toward Nationalism in Germany, Italy, and Poland.*
By HANNAH ALICE STRAUS. Price, $2.75

559—*The Austrian Electoral Reform of 1907.*
By WILLIAM A. JENKS. Price, $3.25

560—*Joel Munsell: Printer and Antiquarian.*
By DAVID S. EDELSTEIN. Price, $5.00

561—*France and the Saar, 1680-1948.*
By LAING GRAY COWAN. Price, $3.50

562—*The Australian Frontier in New Guinea, 1870-1885.*
By DONALD CRAIGIE GORDON. *In press.*

563—*The Attitude of the New York Irish toward State and National Affairs.*
By FLORENCE E. GIBSON. *In press.*

564—*Personal Income Tax Reduction in a Business Contraction.*
By MELVIN I. WHITE. *In press.*

565—*American Conservatives: The Political Thought of Francis Lieber and John W. Burgess.*
By BERNARD EDWARD BROWN. *In press.*

566—*German Agrarian Politics after Bismarck's Fall.*
By SARAH R. TIRRELL. *In press.*

The entire list is published by the Columbia University Press, New York City; and in Great Britain, Canada and India by the Oxford University Press, London and Bombay.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED